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United Nations

Permanent Forum on Indigenous Issues

Report on the ninth session (19-30 April 2010)

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on the theme "Indigenous peoples and forests"

The Economic and Social Council decides to authorize a three-day international expert group meeting on the theme "Indigenous peoples and forests", and requests that the results of the meeting be reported to the Permanent Forum at its tenth session and to the United Nations Forum on Forests at its ninth session.

Draft decision II
Venue and dates of the tenth session of the Permanent Forum

The Economic and Social Council decides that the tenth session of the Permanent Forum on Indigenous Issues shall be held in New York, from 16 to 27 May 2011.

Draft decision III
Provisional agenda for the tenth session of the Permanent Forum

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum:
   (a) Economic and social development;
   (b) Environment;
   (c) Free, prior and informed consent.
4. Human rights:
   (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
   (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other United Nations human rights mechanisms.
5. Half-day discussion on Central and South America and the Caribbean.
6. Comprehensive dialogue with United Nations agencies and funds.
7. Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues.
8. Draft agenda for the eleventh session of the Permanent Forum.
9. Adoption of the report of the Permanent Forum on its tenth session.

B. Matters brought to the attention of the Council

2. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the Secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum

Special theme: "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"

4. Development paradigms of modernization and industrialization have often resulted in the destruction of the political, economic, social, cultural, education, health, spiritual and knowledge systems of indigenous peoples. There is a disconnect between dominant development paradigms and indigenous peoples due to the way indigenous peoples are often viewed. For example, indigenous peoples "development" is understood to be their assimilation into the so-called "civilized world". Also, indigenous peoples' cultures and values are seen to be contradictory to the values of the market economy, such as the accumulation of profit, consumption and competition. Further, indigenous peoples and their cultures are seen as "obstacles" to progress because their lands and territories are rich in resources, and indigenous peoples are not willing to freely dispose of them.

5. The concepts of indigenous peoples in respect of development with culture and identity are characterized by a holistic approach that seeks to build on collective rights, security and greater control and self-governance of lands, territories and resources. The concepts build on tradition, with respect for ancestors, but are also forward-looking. They are based on a restorative philosophy underpinned by values of reciprocity, solidarity, equilibrium, sustainability, sharing and collectivity.

6. The United Nations Declaration on the Rights of Indigenous Peoples provides a strong basis from which indigenous peoples can affirm their rights and define their aspirations in their relations with States, corporations, the United Nations system, intergovernmental organizations and other institutions around development with culture and identity. Article 3 is central to the Declaration since it refers to the right to self-determination. Article 32 is also a key provision, which captures the essence of culture with development and identity, affirms the principle of free, prior and informed consent and refers to the respective obligations of States. Those articles are the result of advocacy and concerns raised by indigenous peoples at the United Nations.

7. Treaties and treaty principles should be included in the consideration of the issue of indigenous peoples' development with culture and identity. Therefore, articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples should be read together with preambular paragraphs 7, 8, 14, 15, article 37 and the Declaration on the Right to Development.

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8. The Permanent Forum welcomes the fact that its mandate and approach have created a positive and cooperative environment where Member States make high-level announcements on the promotion and protection of the rights of indigenous peoples and looks forward to the continuation of that practice.

9. The Permanent Forum recognizes that education is a critical underpinning of the special theme. In particular, the right to education in the mother tongue is fundamental to the maintenance and growth of culture and identity and cultural and linguistic diversity.

10. The Permanent Forum endorses the report and recommendations of the international expert group meeting on the theme "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples" (see E/C.19/2010/14).

11. The Permanent Forum recommends that States, the United Nations system and other intergovernmental organizations provide political, institutional and, in accordance with article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, financial support to the efforts of indigenous peoples so that they may consolidate their own development models and concepts and practices of living well (for example *sumak kawsay*, *suma qamaña*, *laman laka*, *gawis ay biag*), which are underpinned by their indigenous cosmologies, philosophies, values, cultures and identities, as well as link efforts to implement the Declaration.

12. The Permanent Forum recommends that the efforts undertaken to develop the indicators of sustainability and well-being of indigenous peoples should be continued and supported by States, the United Nations system and intergovernmental bodies. This will lead to the establishment of headline indicators to measure and represent the goals and aspirations of indigenous peoples. These initiatives should lead to the creation of an indigenous peoples development index, which the Human Development Report Office of the United Nations Development Programme (UNDP) would adopt as a project to be included in future issues of the *Human Development Report*.

13. The Permanent Forum recognizes the importance of indigenous peoples knowledge systems as the basis of their development with culture and identity and therefore recommends that ongoing international processes, such as negotiations on the international regime on access and benefit-sharing of the Convention on Biological Diversity, the Ad Hoc Working Group on Long-term Cooperative Action of the United Nations Framework Convention on Climate Change, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, should recognize and integrate the crucial role and relevance of indigenous knowledge systems in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

14. The Permanent Forum calls on Member States, UNDP and other relevant organizations to effectively involve indigenous peoples in the review processes of the implementation of the Millennium Development Goals at the national and local levels and to ensure that disaggregated data on how the Goals are achieved in indigenous peoples territories be included.

15. The Permanent Forum also calls on the United Nations to ensure the active participation of indigenous peoples at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly, to be held in September 2010.

16. The Permanent Forum welcomes the announcement by New Zealand to endorse the United Nations Declaration on the Rights of Indigenous Peoples and the announcement by the United States of America that it will review its position on the Declaration. It also welcomes the indication by Canada in the 2010 Speech from the Throne that it will take steps to endorse the Declaration. The Forum recommends that the United States and Canada expedite their commitments made to endorse the Declaration.

17. Furthermore, the Permanent Forum urges those States that have abstained to reverse their positions and endorse the Declaration so as to achieve full consensus.

18. The Permanent Forum thanks Denmark, Finland and Germany for announcing its contributions to the Trust Fund of the Permanent Forum and, given the steady annual increase of applications from indigenous peoples' organizations, encourages other States to contribute to the Fund. Furthermore, the Forum expresses its appreciation to the following countries, which have contributed to the Trust Fund in the past: Algeria, Bolivia (Plurinational State of), Canada, Chile, Colombia, Cyprus, Denmark, Ecuador, Estonia, Germany, Japan, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Norway, Peru and Suriname.

19. The Permanent Forum appreciates the efforts made by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, which comprises the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme and the United Nations Development Programme, to inform, consult and involve indigenous peoples in United Nations activities relating to reducing emissions from deforestation and forest degradation and encourages them to further consolidate the partnership in accordance with the principle of free, prior and informed consent and the Declaration.

20. The Permanent Forum congratulates the International Fund for Agricultural Development (IFAD) for the approval of its policy on engagement with indigenous peoples, consistent with international standards, in particular with the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Development Group guidelines. In the implementation of the policy, the Forum encourages the Trust Fund to establish an indigenous peoples' forum at IFAD, as an example of a good practice to be followed by other United Nations agencies and other intergovernmental organizations.

21. The Permanent Forum encourages all United Nations agencies that have not yet developed a policy on engaging with indigenous peoples to follow the example of sister agencies in order to ensure that the United Nations Declaration on the Rights of Indigenous Peoples is adequately reflected in all United Nations programmes.

22. The Permanent Forum decides to appoint as a Special Rapporteur, Pavel Sulyandziga, to conduct a study on indigenous peoples' models of development in line with the theme "development with culture and identity", which is consistent with indigenous peoples' cultural aspirations and world views.

23. The Permanent Forum welcomes the "International Conference on Biological and Cultural Diversity: Diversity for Development and Development for Diversity" (8-10 June 2010, Montreal, Canada) as a useful dialogue on the interface of diversities and development and notes its goal to consider a future collaborative programme of work between the Secretariat of the Conference on Biological

Diversity, the United Nations Educational, Scientific and Cultural Organization (UNESCO), other relevant agencies, including the Forum and relevant indigenous organizations and non-governmental organizations, and decides to send the Chair of the Forum to report on the outcomes of the ninth session of the Permanent Forum regarding the theme.

24. The Permanent Forum calls upon UNESCO, the Secretariat of the Conference on Biological Diversity, UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund, the World Intellectual Property Organization and the United Nations Development Group to support indigenous peoples in their process of cultural heritage restoration and strengthening. This process should be guided by indigenous peoples in order to avoid the misuse and distortion of indigenous peoples' culture, practices and knowledge and to respect their perspectives and aspirations.

25. The Permanent Forum recommends that UNDP include indigenous peoples in its programme of democratic governance in order to support and strengthen indigenous institutions and enable indigenous peoples to enjoy their right to political participation and fortify their capacities for political conflict prevention and resolution.

26. The Permanent Forum recommends that States consider the document entitled "The human development framework and indigenous peoples' self-determined development or development with culture and identity" (E/C.19/2010/CRP.4) and in particular pay attention to the conclusions and recommendations provided therein.

27. The Permanent Forum recommends that the International Council on Mining and Metals provide a list of at least 10 projects that they recommend as good practices in the involvement of indigenous peoples in mining operations and invite members of the Forum, members of affected indigenous peoples and indigenous experts to visit the project sites for the purpose of reporting back to the Forum at its tenth session.

28. The Permanent Forum requests that the secretariat of the Permanent Forum on Indigenous Issues publish a second volume of the *State of the World's Indigenous Peoples*, containing a section on development with culture and identity based on information from indigenous peoples' organizations, United Nations agencies and States.

29. The Permanent Forum recommends that UNESCO, the Convention on Biological Diversity, UNICEF and other relevant United Nations agencies convene an expert meeting, in conjunction with the Forum, comprising intercultural and educational experts and United Nations agencies to explore themes and concepts related to bilingual, intercultural and multilingual education in the context of teaching in mother tongue indigenous languages.

30. The Permanent Forum notes that in order to facilitate the expert meeting, there is a need for country-specific situation analysis. The Forum invites UNESCO to conduct this analysis, given the agency's experience and expertise in the area. The Forum also invites UNESCO to transmit the analysis to the Forum. The analysis should identify the legislative and/or policy frameworks that States employ to facilitate successful models of bilingual learning, multicultural and multilingual learning and mother tongue education and identify the barriers to implementation of those frameworks.

31. The Permanent Forum recommends that the United Nations system, the World Bank Group, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and other multilateral development banks formulate policies to ensure that indigenous education projects that are financed take into account the use, protection and intercultural preservation of indigenous languages through supporting bilingual, intercultural and multilingual education in indigenous languages. The International Monetary Fund should respect the rights of indigenous peoples recognized in international law.

32. On the basis of information received at the ninth session, the Permanent Forum expresses its deep concern about the changes in policy on bilingual education in the Northern Territory, Australia. The Forum urges the Government of Australia to work with its State and territory education systems to develop models of bilingual, intercultural and multilingual education that are consistent with the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Convention on the Rights of the Child.

33. The Permanent Forum recommends that States, United Nations agencies, financial institutions and donors promote and support development processes led and carried out by indigenous women's organizations, in accordance with articles 3 and 32 of the Declaration, for instance, leadership and capacity-building schools and the creation of funds managed by indigenous women.

34. The Permanent Forum welcomes the organization of the World People's Conference on Climate Change and the Rights of Mother Earth, which was held in Cochabamba, Bolivia (Plurinational State of), from 19 to 22 April 2010, and takes note of the People's Agreement of Cochabamba.

35. The Permanent Forum welcomes the decision 2009/250 of the Economic and Social Council on a proposed amendment to the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, related to the traditional use of the coca leaf. The Forum recommends that Member States support this initiative, taking into account articles 11, 24 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

36. The Permanent Forum recommends that UNDP further engage indigenous peoples in the discussion regarding the concept of human development and in the elaboration of its Human Development Reports. The UNDP concept of human development and its work to promote such a paradigm should be more strongly founded on human rights principles and therefore on the United Nations Declaration on the Rights of Indigenous Peoples. With regard to indigenous peoples, this means recognizing the principles of self-determination, independent development and other peoples' rights. Thus, national, regional and global UNDP Human Development Reports should reflect indigenous peoples' views of development from the perspective and with the participation of indigenous peoples themselves.

37. The Permanent Forum deems it urgently necessary for UNDP to develop a deeper understanding of indigenous peoples' world views. This requires, inter alia, that UNDP enhance its own capacity in the area of the human rights of indigenous peoples by having, at least, one full-time adviser on indigenous peoples' rights. This

adviser should be an indigenous professional who has experience working in or with indigenous organizations. The Permanent Forum further recommends that UNDP establish internal mechanisms to monitor and ensure compliance with its own programmes and operations policies and procedures related to indigenous peoples' rights. The UNDP Liaison Committee on Indigenous Peoples' Issues, in collaboration with the Permanent Forum, should develop a system to receive concerns from indigenous peoples and ensure the application of the internal policies and procedures of UNDP.

38. The Permanent Forum reiterates its recommendation that United Nations agencies employ indigenous experts and requests that the International Labour Organization (ILO) provide information on indigenous experts employed within the United Nations system at the tenth session of the Permanent Forum.

39. The Permanent Forum encourages the Office of the United Nations High Commissioner for Human Rights (OHCHR), ILO and UNDP to strengthen their collaborative framework and partnership for the promotion and implementation of indigenous peoples' rights through joint country programmes aimed at building capacity and establishing mechanisms for consultation, participation and consent in accordance with ILO Convention C169 and the United Nations Declaration on the Rights of Indigenous Peoples.

40. The Permanent Forum recommends that UNDP, OHCHR and ILO facilitate dialogue and provide support to indigenous peoples in the areas of crisis prevention and democratic governance as they relate to extractive industries operating in indigenous territories in order to achieve more effective implementation and protection of indigenous peoples' rights.

41. The Permanent Forum recommends that States implement the principles contained in General Comment No. 21 (2009) of the Committee on Economic, Social and Cultural Rights on article 15, paragraph 1 (a), of the International Covenant on Economic, Social and Cultural Rights regarding the right of everyone to take part in cultural life. In its interpretation of the article, the Committee takes into account the United Nations Declaration on the Rights of Indigenous Peoples. It consequently distinguishes the right of indigenous peoples to take part in their own culture from the same right as it applies to minorities. This distinction is made in particular as a result of the extension of the concept of indigenous culture to material aspects such as territories and resources.

42. The Permanent Forum suggests that the Human Rights Committee also interpret the International Covenant on Civil and Political Rights taking into account the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. In particular, the Committee should review its General Comment No. 12 (1984) on the right to self-determination (article 1 of the Covenant) and No. 23 (1994) on the rights of persons belonging to minorities (article 27 of the Covenant) taking into account article 3 and other relevant provisions of the Declaration. In addition, in accordance with the terms of General Comment No. 12, the Committee should request State parties to the Covenant to report on their compliance with their obligations regarding the right of all peoples, including indigenous peoples, to self-determination and related rights. The Committee should request that State parties prepare the relevant sections of their reports on the implementation of the Covenant in consultation and cooperation with indigenous peoples.

43. The Permanent Forum welcomes the efforts of the Committee on the Elimination of Racial Discrimination to construe the International Convention on the Elimination of All Forms of Racial Discrimination, regarding indigenous persons, taking into account the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum recommends that the Committee request relevant State parties to the Convention to prepare the sections relating to indigenous peoples in their reports on the implementation of the Convention in consultation and cooperation with indigenous peoples.

44. The Permanent Forum notes that the 2010 annual report of the Committee of Experts on the Application of Conventions and Recommendations devotes increased attention to the implementation by States parties of conventions relevant to the rights of indigenous peoples. The Permanent Forum also notes that 6 of the 12 countries under individual observation on ILO Convention C169 in 2010 must submit a report in 2010, which indicates the serious concern of the Committee about compliance with the Convention by those countries. The Permanent Forum urges the relevant States to present their reports by the deadline established by ILO.

45. The Permanent Forum recommends that, during its June 2010 session, the Committee on the Application of Standards of the International Labour Conference follow up on the serious situations of violations of ILO Convention C169 mentioned in the relevant previous observations of the Committee of Experts on the Application of Conventions and Recommendations, as well as its own 2009 conclusions regarding the implementation of the Convention.

46. The Permanent Forum urges all States to commit to a process, with the participation of indigenous peoples, responding to the country reports of all United Nations special rapporteurs, including:

(a) Providing a written response to the rapporteur's report, submitted to the Human Rights Council, within six months of the report's issuance. The response should outline the State process for implementing the recommendations of the report;

(b) Developing and publicly promoting a strategy to implement the recommendations of the report within 12 months of its issuance;

(c) Providing annual updates of the rapporteur's report detailing the implementation of the strategy until such time as the rapporteur conducts a new visit to the State in question, or until that State undergoes a universal periodic review.

47. The Permanent Forum recommends that all States with indigenous peoples review their legislation, policies and programmes in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and the Programme of Action for the Second International Decade of the World's Indigenous People.

48. The Permanent Forum supports the initiative of OHCHR to develop guidelines for the protection of peoples in voluntary isolation and initial contact in the Amazon Region and the Gran Chaco, which are currently under consultation with indigenous organizations and the States concerned. The Permanent Forum recommends that, in developing the guidelines, attention be directed to the United Nations Declaration on the Rights of Indigenous Peoples, particularly in terms of the right to self-determination. The organizations in closest contact with those indigenous peoples that remain in voluntary isolation or initial contact should be involved in the elaboration of these guidelines.

49. The Permanent Forum welcomes the increased cooperation among the Forum, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Expert Mechanism on the Rights of Indigenous Peoples on the basis of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples. In accordance with that article, the Permanent Forum expresses its readiness to work closely with other United Nations mechanisms with mandates that are also relevant to indigenous peoples, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination, and invites these bodies to participate in sessions of the Permanent Forum that are devoted to human rights.

50. The Permanent Forum urges the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to require States parties to take into account, in their reports to each body, the first article of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which must be understood pursuant to article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, which sets out the right of indigenous peoples to self-determination.

51. The Permanent Forum welcomes the invitation from the Government of Colombia to organize a mission to that country.

52. The Permanent Forum welcomes the study of the Expert Mechanism on the Rights of Indigenous Peoples on the right to education and the Expert Mechanism's Advice No. 1. The Permanent Forum encourages States, indigenous peoples and others to disseminate these texts and incorporate them in national policies and practices.

53. The Permanent Forum recommends that OHCHR pursue its efforts to encourage increased use of the United Nations Declaration on the Rights of Indigenous Peoples by national human rights institutions.

Follow-up summary report and recommendations of the mission of the Permanent Forum to the Plurinational State of Bolivia

54. On 21 April 2010, the Permanent Forum on Indigenous Issues held an in-depth dialogue on the situation of the indigenous peoples in the Chaco region with representatives of the Government of the Plurinational State of Bolivia, leaders of the Guarani People's Assembly (APG) and representatives of the United Nations country team in the Plurinational State of Bolivia. This dialogue represents a new working method based on the report on the Forum's mission to the Plurinational State of Bolivia (E/C.19/2010/6) and the response submitted by the Government of the Plurinational State of Bolivia (E/C.19/2010/12/Add.1). The Permanent Forum thanked the representatives of the Government, indigenous peoples and the United Nations for their participation in the dialogue.

55. The Permanent Forum asked a number of questions on various issues, including:

(a) Regulations for and conduct of the consultations regarding hydrocarbon exploration and extraction;

(b) Functioning of the Chaco Police Command with a view to protection of the Guaraní people and to progress in the freeing of individuals, families and communities;

(c) Activities of the Human Rights Unit of the Ministry of Labour, Employment and Social Security in jurisdictions with a Guaraní population;

(d) Activities of the Inter-ministerial Council for the Eradication of Servitude, Forced Labour and Similar Practices;

(e) Progress in community-based agrarian reform with respect to the freeing of individuals subjected to servitude or forced labour and of captive communities on haciendas, and to the recovery of community lands usurped by haciendas;

(f) Plans for the freeing of Guaraní individuals and communities following the establishment of the new judicial institutions envisaged in the Constitution;

(g) Applicability of the Penal Code to those who keep individuals and communities in conditions of forced labour or captivity;

(h) Adoption of measures for the housing and health of the freed communities pending the recovery of their lands, and thereafter;

(i) Adoption of specific measures to combat forced labour and the sexual exploitation of children and adolescents, and concerning the education and health of Guaraní children and adolescents;

(j) Provision of legal services to individuals, families and communities, not only with a view to their freedom from servitude but also after their liberation.

Comments on the dialogue

56. The representatives of the Government of the Plurinational State of Bolivia provided further information on the constitutional framework that hinders the State policy for elimination of the servitude of indigenous people and recovery of their land in accordance with the provisions of the community-based agrarian reform, reiterating the unwavering commitment of the current Government of the Plurinational State of Bolivia to that policy. The objective includes not only the definitive freeing of Guaraní individuals and communities, but also reconstitution of the territory of the Guaraní people. The Government representatives made it clear that the new institutions referred to in the questions were still at an early stage and that the new judicial institutions envisaged in the Constitution would be established in 2011, in accordance with the Constitution's implementation schedule. Meanwhile, several important agrarian land titling cases related to the freeing of Guaraní individuals and communities are stalled before the old judicial institutions.

57. The representatives of APG, for their part, maintained that the process of eliminating forced labour and the captivity of communities was stalled owing to a lack of Government will concerning the necessary land titling and recovery policies. They stressed that that elimination would not be complete until there was a true reconstitution of the territory of the Guaraní nation. They said that the fundamental principle governing the entire process must be self-determination and that the essential mechanism must be the prior, free and informed consent of the Guaraní people itself.

58. For its part, the representatives of the country team said that the mission report of the Permanent Forum had had a positive impact. They described the initiatives and activities of the United Nations agencies and programmes aimed at implementation of the respective recommendations and explained how the country team planned to facilitate coordination among the various parties involved in situations of servitude in the Chaco region.

59. Last, the representatives of the Government responded by stating that they shared the concerns expressed by the representatives of APG and that they would continue implementing the recommendations in accordance with the Constitution and all the relevant statutes that were already in effect throughout the country, prioritizing dialogue and consensus-building.

Recommendations

60. The Permanent Forum recommends that the Plurinational State of Bolivia should speed up implementation of the constitutional provisions regarding the freeing of individuals, families and communities in the light of the fact that forced labour and servitude are serious human rights violations that must be addressed with great urgency.

61. The Permanent Forum recommends that the Plurinational State of Bolivia should consider implementing the resolutions of the National Agrarian Reform Institute regarding the revocation of land titles on grounds of servitude in all matters affecting not only the freedom of individuals, but also the recovery of land for communities, thereby preventing legal proceedings from stalling a reform process that defends, promotes and protects human rights.

62. The Permanent Forum recommends that the Plurinational State of Bolivia should continue to link its policies for the freeing of individuals and the recovery of lands in the Chaco region with a view to the territorial reconstitution of the Guaraní people, which both the Government and APG consider the ultimate objective.

63. The Permanent Forum recommends that the Plurinational State of Bolivia continue the implementation of specific policies in the areas of housing, health and education in order to benefit the freed communities, paying particular attention to those who have been subjected to servitude, and especially children and adolescents.

64. The Permanent Forum welcomes the inclusion of the Office of the Deputy Minister for Decolonization, together with other competent institutions, in the Government's implementation of measures designed to eliminate servitude and contemporary forms of slavery. Its cooperation will ensure a broader and more comprehensive and effective strategy.

65. The Permanent Forum calls on the Office of the Attorney General and the district prosecutors' offices in the Departments of Chuquisaca, Santa Cruz and Tarija to conduct criminal investigations into the events described by the Plurinational State of Bolivia in its report to this session of the Forum and in the subsequent report of the Inter-American Commission on Human Rights.

66. The Permanent Forum encourages APG to continue to give priority to its endeavours to eliminate the servitude and contemporary forms of slavery to which families and communities in Santa Cruz, especially in Alto Parapetí, and in Chuquisaca, are subjected. The Permanent Forum encourages APG, as the

organization that represents the Guaraní people in the Plurinational State of Bolivia, to continue to give priority to combating these extremely serious human rights violations as part of its broader programme of reconstitution of the Guaraní people.

67. The Permanent Forum encourages APG to continue to defend in a cooperative and constructive manner, the principles of self-determination and free, prior and informed consent in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, which the Plurinational State of Bolivia has incorporated into its domestic law and applied through its Constitution.

68. The Permanent Forum thanks the country team for endorsing the recommendations contained in the report on the mission to the Plurinational State of Bolivia and for taking responsibility for follow-up to those recommendations. With regard to attempts at consensus-building among the parties involved in situations of servitude and practices of forced labour, the Permanent Forum recalls that human rights are inalienable and that they include the rights of indigenous peoples acknowledged in the United Nations Declaration.

69. The Permanent Forum urges OHCHR in the Plurinational State of Bolivia to continue and strengthen its monitoring of the human rights of the Guaraní people to address as a matter of urgency the situation of the families and communities that are subjected to forced labour and other forms of servitude and to report regularly and publicly on developments in that situation. In the area of technical assistance, the Permanent Forum urges OHCHR in the Plurinational State of Bolivia to strengthen the human rights capacities of the Guaraní authorities in Alto Parapeti and other districts where there are serious human rights violations.

70. The Permanent Forum undertakes to continue to monitor implementation of the recommendations contained in its report with the cooperation of all parties to this dialogue: the Government, the representatives of indigenous peoples and the United Nations country team.

Follow-up summary report and recommendations of the Permanent Forum mission to Paraguay

71. On 21 April 2010, the Permanent Forum on Indigenous Issues held an in-depth dialogue on the situation of indigenous peoples in the Chaco region with representatives of the Government of Paraguay, officials of the Coordinating Body for the Self-Determination of Indigenous Peoples of Paraguay (CAPI) and representatives of the United Nations country team in Paraguay. This dialogue represents a new working method based on the mission report of the Permanent Forum, which visited Paraguay in April 2009 (E/C.19/2010/5), and the responses of the Government of Paraguay in its report to the ninth session of the Forum (E/C.19/2010/12/Add.2). The Permanent Forum thanked the representatives of the Government, indigenous peoples and the United Nations for their participation in the dialogue.

72. The Permanent Forum asked a number of questions on various issues, including:

(a) Respect for the principle of self-determination during the ongoing reform of the Paraguayan Institute for Indigenous Affairs (INDI) and other agencies with competence on indigenous issues, such as the Ethnic Rights Department of the Office of the Public Prosecutor's Office;

(b) Potential recovery of the lands of indigenous communities that were usurped by the current owners, who acquired them without the need for a purchase contract or through forced expropriation;

(c) Potential use of the rural land registry for purposes of land titling and recovery of community land without placing a prohibitive burden on the public coffers;

(d) Activities of the Inter-ministerial Council for the Eradication of Servitude, Forced Labour and Similar Practices;

(e) The work of the Inter-Agency Commission for the Enforcement of Judgments of the Inter-American Court of Human Rights and the Recommendations of the Inter-American Commission on Human Rights;

(f) Coordination between the national programme for indigenous peoples (PRONAPI) and INDI and the work of PRONAPI;

(g) The work of the Commission on Labour Rights and the Prevention of Forced Labour under its plan of action to combat forced labour;

(h) Participation of indigenous peoples in INDI and in the new bodies mentioned above;

(i) Fulfilment by the Office of the Public Prosecutor of its constitutional mandate to defend the rights of indigenous peoples, especially in connection with the specific provisions of the Code of Criminal Procedure on "punishable acts relating to indigenous peoples";

(j) Concrete action by the political, administrative and judicial authorities of the Chaco region aimed at combating forced labour and ensuring the recovery of community land;

(k) Specific measures taken in order to protect indigenous children in the indigenous communities of the Chaco region under the current conditions;

(l) Potential development of coordinated international policies, particularly with the Plurinational State of Bolivia, with a view to the freeing of individuals and the recovery of indigenous peoples' land in the joint Chaco region.

Comments on the dialogue

73. The representative of the Government of Paraguay provided further information on the constitutional guarantees of private property that are hindering the development of land titling policies with a view to freeing individuals and rebuilding communities. In any event, he believed that the impending creation of a rural land registry could provide an opportunity for such titling. He spoke about the work of the new institutions, which is still at an early stage, and particularly that of the Commission responsible for implementing, at last, the resolutions of the Inter-American Court of Human Rights concerning the indigenous communities of the Chaco region. He stressed the failure of Congress to cooperate in the development of an indigenous land recovery policy and the problems that this posed for the Government.

74. The representative of CAPI, for his part, acknowledged the effort that the Government was making to promote policies for the recognition and compensation

of the indigenous peoples of Paraguay. He stressed the persistence of servitude, forced labour, violation of the right to organize, dispossession of land and property, lack of access to health services and, in many communities, genuine humanitarian crises. The representative of CAPI recalled that in addition to the Guarani, there were other indigenous peoples in the Chaco region, such as the Ayoreo, some of whom were living in voluntary isolation. He said that the Government of Paraguay and CAPI were cooperating in the development of new policies. CAPI urged the Government to seek ways to compel the legislative and judicial branches to implement such policies. CAPI thanked the United Nations agencies with offices in Paraguay, and particularly UNDP, for their assistance and support.

75. The representatives of the country team praised the mission and subsequent report of the Permanent Forum and expressed their appreciation for the reception of the report by the Government and the indigenous peoples' organizations. They described the initiatives and activities of the United Nations agencies and programmes aimed at implementation of the respective recommendations and the problems that had been encountered.

76. Last, the representative of the Government offered further detailed and valuable information on the political commitment of the current executive branch and on the various kinds of problems that it was addressing resolutely.

Recommendations

77. The Permanent Forum recommends that the Government of Paraguay should remain firm in its commitment to cooperating with indigenous peoples' organizations in order to find emergency solutions to the extremely serious situation of the indigenous communities that have been wholly dispossessed of their land, and to implement policies to ensure the reconstitution of their territory.

78. The Permanent Forum urges the Republic of Paraguay to take urgent action to implement the resolutions of the Inter-American Court of Human Rights concerning communities that are experiencing major humanitarian crises.

79. The Permanent Forum recommends that Paraguay should speed up the reform of INDI and of other institutions with competence in indigenous issues so that the proper participation of indigenous peoples will strengthen their democratic representation before the legislative and judicial powers, which are still reluctant to act.

80. The Permanent Forum recommends that the Government of Paraguay should make resolute progress towards the development of a land registry that will facilitate land titling, and thus the recovery of land by indigenous communities and the territorial reconstitution of their respective peoples.

81. The Permanent Forum welcomes the announcement of a flagship plan for the acquisition of additional indigenous land in order to overcome the financial crisis faced by INDI and the failure of Congress to cooperate by allocating the necessary funds.

82. The Permanent Forum recommends that the Government of Paraguay should give priority, in its emergency plans, to the protection of vulnerable indigenous children from practices of forced labour and other forms of exploitation.

83. The Permanent Forum encourages the Government of Paraguay to continue to accept assistance from United Nations agencies and programmes and national

cooperation agencies in order to develop policies aimed at the elimination of forced labour and other forms of servitude, especially in matters relating to the most urgent challenges: food, health, housing and education.

84. The Permanent Forum notes that forced labour and all forms of servitude constitute serious human rights violations that it is urgent to address; it therefore urges the Government of Paraguay to combat these practices as a matter of urgency.

85. The Permanent Forum recommends that those responsible for practices of forced labour or other forms of servitude should be prosecuted under Paraguayan law.

86. The Permanent Forum recommends that Paraguay should propose the negotiation of international agreements for protection of the rights of indigenous peoples with the other States of the Chaco region — the Plurinational State of Bolivia, Argentina and Brazil — and particularly with the Plurinational State of Bolivia with a view to the latter's development of additional policies aimed at the freeing of individuals, the recovery of land and the rebuilding of peoples.

87. The Permanent Forum recommends that any future agreements with the Plurinational State of Bolivia should provide, in particular, for means of protecting the territory of the Ayoreo people living in voluntary isolation.

88. The Permanent Forum encourages CAPI and other indigenous peoples' organizations to continue to defend the principle of indigenous peoples' self-determination that they have followed in asserting their own identity, and thus to continue their efforts to reach agreement with the Government on reforms consistent with the Declaration on the Rights of Indigenous Peoples.

89. The Permanent Forum thanks the country team for endorsing the recommendations contained in the report on the mission to Paraguay and for taking responsibility for follow-up to and implementation of those recommendations in cooperation with indigenous peoples' organizations.

90. The Permanent Forum undertakes to continue to monitor implementation of the recommendations contained in its report with the cooperation of all parties to this dialogue: the Government, the representatives of indigenous peoples and the United Nations country team.

Half-day discussion on North America

91. Indigenous peoples of North America (Turtle Island) are found within all states of the United States of America and within all provinces and territories of Canada. Despite the fact that indigenous peoples live in developed and democratic first-world countries, the violation of their human rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples — specifically, the right to self-determination and the right to development with culture and identity based on indigenous world views — has caused them to experience many critical socio-economic problems: lack of employment, lack of access to clean water, physical and social isolation, substandard housing, critical health issues, high teenage suicide rates, violence against women, alcohol and substance abuse, and high rates of crime and incarceration. For example, the arrest and incarceration rates among indigenous peoples are nearly four times higher than the national average. All these factors contribute to the social dislocation of indigenous peoples and their alienation from both their ancestral lands and North American society in general.

92. The Permanent Forum urges the Governments of Canada and the United States to work in good faith with indigenous peoples for the unqualified endorsement and full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and urges that such endorsement and implementation honour the spirit and intent of the Declaration, consistent with indigenous peoples' human rights.

93. The Permanent Forum encourages United Nations agencies and other bodies to offer training programmes for Canadian and national parliamentarians and United States members of Congress, and staff within national institutions such as human rights commissions and other agencies, with the aim of integrating the spirit and intent of the Declaration into national policies.

94. The Permanent Forum encourages the Expert Mechanism on the Rights of Indigenous Peoples and the Human Rights Council to continue the process of addressing rights related to treaties and agreements between indigenous peoples and the United States and Canada, including through the consideration and implementation of the recommendations resulting from the first two United Nations treaty seminars, held in 2003 and 2006, and by taking steps to hold a third seminar, as mandated by the Economic and Social Council, and urges the Expert Mechanism to advance the work on treaties.

95. Given the fact that the issue of missing and murdered indigenous women, as well as other forms of violence, including trafficking and domestic violence, has gained increasing public attention in Canada, the Permanent Forum urges the Government of Canada to provide more emergency shelters serving indigenous women, as well as better victim services, and specific programmes to assist indigenous women who have been trafficked.

96. The Permanent Forum welcomes the decision of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to monitor violence against indigenous women and girls in Canada, including missing and murdered indigenous women and girls, in accordance with his mandate. Furthermore, the Permanent Forum requests that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as well as the Special Rapporteur on violence against women, its causes and consequences, address the situation of violence against indigenous women in the United States as well.

97. The Permanent Forum urges the Governments of Canada and the United States to respect the right of indigenous nations to determine their own membership, in accordance with article 33 of the United Nations Declaration on the Rights of Indigenous Peoples.

98. The Permanent Forum recommends that the Governments of Canada and the United States address the border issues, such as those related to the Mohawk Nation and the Haudenosaunee Confederacy, by taking effective measures to implement article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples divided by international borders have the right to maintain and develop contacts, relations and cooperation with their own members as well as other peoples across borders.

99. The Permanent Forum urges the Government of Canada to work with the Friendship Centre Movement and other relevant organizations to determine how it can strengthen its roles and responsibilities with regard to urban indigenous peoples.

100. The Permanent Forum urges the Governments of Canada and the United States to eliminate all assimilation policies that further exacerbate the economic and other disparities between indigenous peoples and the rest of the population.

101. The Permanent Forum urges the Governments of Canada and the United States to financially support indigenous community education systems and their efforts to protect and perpetuate indigenous languages, on a par with their dominant languages.

Comprehensive dialogue with the Secretariat of the Convention on Biological Diversity

102. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the secretariat of the Convention on Biological Diversity on 23 April 2010. The Permanent Forum welcomed the participation of the secretariat and expressed its appreciation for its detailed and informative report on activities in support of indigenous peoples (E/C.19/2010/3).

Discussion

103. The Permanent Forum commends the secretariat of the Convention on Biological Diversity for the in-depth dialogue concerning its present work in advancing and highlighting the role of indigenous peoples in achieving the goals and mandates of the Convention. There are many areas of the work of the secretariat that have a strong focus for indigenous peoples, such as traditional knowledge through articles 8 (j) and 10 (c) and other important articles, access and benefit-sharing, climate change, sui generis and protected areas. The Permanent Forum notes that there are several initiatives that enable indigenous peoples to participate in the work of the Convention on Biological Diversity, including the voluntary fund, which facilitates indigenous peoples' attendance at relevant meetings under the Convention.

104. The Permanent Forum notes that the meetings of the Ad Hoc Working Group on Article 8 (j) and Related Provisions of the Convention are open to all parties and include enhanced participation mechanisms for indigenous people, who are able to make interventions on all agenda items. The Ad Hoc Working Group on Access and Benefit-sharing has, in its most recent decisions, recognized the importance of the participation of indigenous peoples in the elaboration and negotiation of the international regime on access and benefit-sharing. The Forum congratulates the secretariat of the Convention on Biological Diversity for facilitating and collaborating with the Permanent Forum on a code of ethics to protect indigenous traditional knowledge, which is scheduled to be adopted in 2010 at the tenth Conference of the Parties to the Convention.

105. The Permanent Forum takes note of the 2008 Convention on Biological Diversity Gender Plan of Action, which was drafted with the full and effective participation of indigenous women, and notes that the secretariat of the Convention on Biological Diversity continues to cooperate with the secretariat of the Permanent Forum to ensure that the perspectives and strategies of indigenous women in biodiversity-related issues are taken into account in the work being done under the Convention with regard to indigenous traditional knowledge and that capacity-building efforts target indigenous women.

Recommendations

106. The Permanent Forum notes with concern the slow progress made in the negotiations on the final protocol on access and benefit-sharing. The Permanent Forum reiterates its requests to the parties to the Convention to take into account the United Nations Declaration on the Rights of Indigenous Peoples in the negotiation, adoption and implementation of the access and benefit-sharing protocol.

107. The Permanent Forum congratulates the secretariat of the Convention on Biological Diversity for considering the important role of indigenous peoples in its activities related to the International Year of Biodiversity in 2010 and recommends that it fund and organize a workshop on indigenous peoples and biological diversity as part of its celebration of the Year.

108. The Permanent Forum welcomes the initiative of the secretariat of the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization to host the International Conference on Biological and Cultural Diversity: Diversity for Development (8-10 June 2010, Montreal, Canada) to develop a joint programme of work on biological and cultural diversity, and requests that future work include broad partnerships with the Permanent Forum, other relevant agencies, indigenous peoples' organizations and non-governmental organizations.

109. The Permanent Forum decides to send a member of the Forum to participate in the Conference to present the outcome of its ninth session on the question of development with culture and identity.

110. The Permanent Forum welcomes the capacity-building efforts being carried out by the secretariat of the Convention on Biological Diversity with the Indigenous Women's Biodiversity Network for the Latin American and Caribbean Region, thanks to the patronage of the Government of Spain, and encourages other donor Governments to consider sponsoring similar efforts in other regions, in particular in Africa and in the Pacific region.

111. The Permanent Forum notes the general capacity-building efforts on access and benefit-sharing in the African region carried out under Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) of Germany and encourages further efforts to bolster indigenous participation in those workshops and also in developing workshops specifically for indigenous peoples and local communities.

112. The Permanent Forum calls upon the parties to the Convention on Biological Diversity to adopt the terminology "indigenous peoples and local communities" as an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years ago.

113. The Permanent Forum reiterates to the parties to the Convention on Biological Diversity that, consistent with international human rights law, States have an obligation to recognize and protect the rights of indigenous peoples to control access to the genetic resources that originate in their lands and waters and any associated indigenous traditional knowledge. Such recognition must be a key element of the proposed international regime on access and benefit-sharing, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

114. The Permanent Forum invites United Nations bodies with expertise on human rights, cultural rights and the traditional knowledge of indigenous peoples to

provide legal and technical comments on the revised draft protocol to the Convention on Biological Diversity on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization for transmission to parties to the Convention for consideration in their final negotiations.

115. The Permanent Forum decides to appoint Michael Dodson and Victoria Tauli-Corpuz, Members of the Permanent Forum, as Special Rapporteurs to organize and undertake a technical review of the proposed international regime on access and benefit-sharing, as recommended in paragraph 48 (i) of the report of the international expert group meeting on the international regime on access and benefit-sharing and indigenous peoples' human rights of the Convention on Biological Diversity (E/C.19/2007/8).

116. The Permanent Forum recommends that the Ad Hoc Working Group on Access and Benefit-sharing consider at its next meeting the report of the international indigenous and local community consultation on access and benefit-sharing and the development of an international regime (UNEP/CBD/WG-ABS/5/INF/9).

117. The Permanent Forum decides to appoint a member to participate in any future meetings of the Working Group on access and benefit-sharing and the tenth Conference of the Parties to the Convention.

Future work of the Permanent Forum

118. The Permanent Forum on Indigenous Issues has analysed and discussed indigenous fishing rights in the seas on the basis of a report submitted by the Special Rapporteurs. As a result of those discussions, the Forum considers the protection of the material basis of the culture of indigenous peoples to be a part of international law that should be applied also to fishing rights in the seas, and recommends that States in which indigenous peoples live in coastal areas recognize indigenous peoples' right to fish in the seas on the basis of historical use and international law. In that context, the Forum notes the ongoing consultations between the Government of Norway and the Sami Parliament and recommends that the Government recognize the right of the coastal Sami to fish in the seas on the basis of historical use and international law.

119. The Permanent Forum welcomes the adoption by the Central African Republic of ILO Convention No. 169.

120. The Permanent Forum welcomes the publication of the socio-linguistic atlas of indigenous peoples in Latin America by UNICEF, the Spanish Agency for International Development Cooperation and the Foundation for PROEIB Andes, the training programme in intercultural and bilingual education for Andean countries.

121. The Permanent Forum welcomes the March 2009 visit of a Nepali delegation of Constitutional Assembly members to the Plurinational State of Bolivia and to Guatemala, aimed at sharing and exchanging experiences on constitutional reform and the implementation of ILO Convention No. 169 with Constitutional Assembly members and representatives of the Governments of both countries.

122. The Permanent Forum decides that Forum members Lars-Anders Baer, Bartolomé Clavero Salvador, Michael Dodson and Carsten Smith shall prepare a paper that responds to the comments made by certain Member States on the annex to

the report of the Permanent Forum on its eighth session (E/2009/43) at the general segment of the substantive session of the Economic and Social Council, in July 2009.

123. The Permanent Forum recommends that the summit on the Millennium Development Goals address directly all of the recommendations on the Goals made by the Forum, in particular the recommendation that States take concrete steps to audit and review their plans and policies in order to ensure that they are consistent with, and promote and protect, the human rights of indigenous peoples, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

124. The Permanent Forum recommends that indigenous peoples' organizations, particularly those concerned with indigenous women and young people, participate fully in the design, implementation, monitoring and evaluation of policies and programmes related to the Millennium Development Goals. This includes participation in the preparations for the summit on the Millennium Development Goals through national consultation processes and in decision-making on the proposed summit outcome.

125. The Permanent Forum takes note of the recommendations contained in the following reports:

(a) Report of the international expert group meeting on indigenous children and youth in detention, custody, foster care and adoption;

(b) Study on the impacts of the global economic crisis on indigenous peoples;

(c) Report on indigenous peoples and corporations;

(d) Study on indigenous fishing rights in the seas;

(e) Study to determine the impact of climate change adaptation and mitigation measures on reindeer herding;

(f) Study on consideration and recognition of Mother Earth rights;

(g) Study to determine whether climate change policies and projects adhere to the standards in the Declaration on the Rights of Indigenous Peoples;

(h) Preliminary study on the impact on indigenous peoples of the international legal construct known as the Doctrine of Discovery, which has served as the foundation for the violation of their human rights.

126. The Permanent Forum decides to reappoint Victoria Tauli-Corpuz as Special Rapporteur to complete a study on the impacts of the global crisis on indigenous peoples by 31 December 2010 and submit it to the Permanent Forum at its tenth session, in 2011.

127. The information and material presented in the preliminary study of the international construct known as the Doctrine of Discovery indicates the need for further study and review and for a more comprehensive assessment and exploration of the issues raised therein on violations of indigenous peoples' inherent rights, particularly as recognized in the United Nations Declaration on the Rights of Indigenous Peoples.

128. The Permanent Forum decides that the special theme for its eleventh session, in 2012, will be "The Doctrine of Discovery: its enduring impact on indigenous

peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)".

129. The Permanent Forum decides to hold a half-day discussion at its tenth session, in 2011, on the theme "The right to water and indigenous peoples".

130. The Permanent Forum expresses its concern about the continuing and long-term negative impacts of large dams on indigenous peoples in many parts of the world. Many large dams continue to be planned for construction on indigenous lands. The Permanent Forum supports the implementation of the recommendations of the World Commission on Dams contained in its report *Dams and Development: A New Framework for Decision-making*. The implementation of these recommendations must be in accordance with the provisions set out in the United Nations Declaration on the Rights of Indigenous Peoples.

131. The Permanent Forum reiterates its concern about conservation efforts, including the designation of national parks, biosphere reserves and world heritage sites, which frequently lead to the displacement of indigenous peoples from their traditional lands and territories. In this regard, the Permanent Forum requests that a member of the Forum attend the thirty-fourth session of the UNESCO World Heritage Committee, to be held in Brasilia, Brazil, in August 2010.

132. The Permanent Forum notes the progress made by the UNDP Regional Initiative on Indigenous Peoples' Rights and Development and the ILO Programme to Promote ILO Convention No. 169 (PRO-169) projects in the promotion and protection of the rights of indigenous peoples. The Forum welcomes the decision by UNDP to establish a similar programme in Latin America and calls on UNDP to expand its activities in this manner in Africa.

133. The Permanent Forum recommends that adequate and sustained funding and other support be provided to the aforementioned projects of UNDP and ILO and that they be replicated in different regions of the world.

134. The Permanent Forum takes note of the report submitted by the International Indian Treaty Council and the Food and Agriculture Organization of the United Nations on the three-year field-testing programme for the cultural indicators for food security, food sovereignty and sustainable development, which included the input of more than 450 indigenous representatives from 66 indigenous communities and peoples in five countries. The Forum recognizes the importance of such collaborative programmes undertaken jointly by United Nations agencies and indigenous peoples, and calls upon members of the Inter-Agency Support Group and Member States and agencies to develop and apply the cultural indicators in accordance with their mandates, in collaboration with indigenous peoples.

135. The Permanent Forum recommends that interested parties organize an international expert group meeting on the theme "Indigenous peoples: sacred plants and sites, articles 11, 24 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples", and requests that the conclusions of such a meeting be submitted to the Forum at its tenth session.

136. The Permanent Forum welcomes the convening of the first Latin American Regional Meeting on the Right to Consultation and Free, Prior and Informed Consent, to be held in September 2010 with the participation of ILO, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur.

137. The Permanent Forum welcomes the joint initiative of the United Nations Environment Programme (UNEP), the Association of World Reindeer Herders, and the International Centre for Reindeer Husbandry aimed at assessing the impacts of land-use change and climate change on nomadic pastoralists and on their adaptation options and opportunities, focusing on taiga reindeer herding in the Russian Federation, Mongolia and China, and yak herding in the Himalayas. The objective of the project is to increase the resilience and capacity to adapt to climate change of the nomadic communities while building partnerships between reindeer- and yak-herding communities, strengthening local institutions and increasing the capacity of nomadic herders to engage in land-use and natural resource management.

138. The Permanent Forum calls on the Inter-American Development Bank to establish an advisory council of indigenous peoples to implement its strategy on indigenous peoples.

139. The Permanent Forum decides to appoint Lars-Anders Baer, a member of the Forum, as a Special Rapporteur to undertake a study on the impacts of the cumulative effects of land fragmentation, natural resource exploration, diminishing land and associated rights, together with the multiple effects of climate change, on traditional indigenous economies and land management by reindeer herders, to be completed by 31 December 2010 and submitted to the Permanent Forum at its tenth session.

140. The Permanent Forum decides to appoint Paimaneh Hasteh, a member of the Forum, as a Special Rapporteur to conduct an analysis on the duty of the State to protect indigenous peoples affected by transnational corporations and other business enterprises, to be submitted to the Forum at its eleventh session, in 2012.

141. The Permanent Forum decides to appoint Lars-Anders Baer, as a Special Rapporteur to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997, to be completed by 31 December 2010 and submitted to the Forum at its tenth session.

142. The Permanent Forum decides to appoint as a Special Rapporteur Elisa Canqui Mollo, a member of the Forum, to conduct a study on forced labour and indigenous peoples, to be completed by 31 December 2010 and submitted to the Forum at its tenth session.

143. The Permanent Forum decides to appoint Victoria Tauli-Corpuz, a member of the Forum, as a Special Rapporteur to prepare a study on indigenous peoples and forests, to be completed by 31 December 2010 and submitted to the Forum at its tenth session.

144. The Permanent Forum decides to appoint Bartolome Clavero Salvador, a member of the Permanent Forum, as a Special Rapporteur to conduct a study on international criminal law and the judicial defence of indigenous peoples' rights, to be completed by 31 December 2010 and submitted to the Forum at its tenth session.

145. The Permanent Forum expresses its deep appreciation to the sponsors of the screening of the movie *Avatar*, which took place during the ninth session and was arranged by the secretariat of the Forum. The Forum would also like to thank James Cameron, the director of the movie, for his presence at the screening and for his participation in the panel discussion that was held after the screening. The Forum also welcomes Mr. Cameron's support for indigenous film-makers and his offer to assist them in future.

146. The Permanent Forum endorses the report and recommendations of the international expert group meeting on the theme "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples" (E/C.19/2010/14) and the reflection paper of the Inter-Agency Support Group on Indigenous Issues, entitled "Indigenous peoples: development with culture and identity in the light of the United Nations Declaration on the Rights of Indigenous Peoples" (E/C.19/2010/17), prepared by the United Nations Educational, Scientific and Cultural Organization on the special theme of the ninth session.

147. The Permanent Forum thanks the permanent participants of the Arctic Council for the Moscow Declaration, signed at the Arctic Indigenous Leaders Summit held in April 2010. The Forum urges member States of the Arctic Council and relevant United Nations agencies to implement the provisions contained in the Moscow Declaration.

Indigenous peoples and corporations

148. The Permanent Forum calls upon States to implement the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Representative of the Secretary-General on business and human rights regarding extractive industries, resolving issues on the basis of dialogue, engagement and in particular the fundamental principles of human rights and the rights of indigenous peoples.

149. The Permanent Forum urges States to review their policies on biofuel industries, which, in the name of remedying the impacts of climate change, are resulting in the deforestation of large forest areas and the displacement of indigenous peoples. That increases the vulnerability of indigenous communities and in particular of those living in voluntary isolation.

150. The Permanent Forum invites extractive industry corporations to engage in a constructive dialogue with the Forum with a view to the elaboration of concrete plans to strengthen corporate social responsibility and respect for the rights of indigenous peoples, in particular the principle of the free, prior and informed consent of those affected by the activities of such corporations.

151. The Permanent Forum decides to reappoint Elisa Canqui Mollo, Carlos Mamani Condori and Pavel Sulyandziga as Special Rapporteurs, to complete their report on corporations and indigenous peoples by 31 December 2010 and to submit it to the Forum at its tenth session.

152. The Permanent Forum recommends that the Special Representative of the Secretary-General on business and human rights and the United Nations Global Compact unite their efforts in cooperation with the Forum, engaging with the private sector on issues related to indigenous peoples, including the promotion of the United Nations Declaration on the Rights of Indigenous Peoples and its implementation.

Half-day discussion on indigenous peoples and forests

153. The issue of indigenous peoples and forests was the focus of a half-day discussion during the ninth session of the Permanent Forum. Many indigenous peoples live in forests that are their traditional territories. Their way of life and

traditional knowledge has developed in tune with the forests on their lands and territories. Indigenous peoples who live in forest areas have clearly defined rights to land and natural resources, including communal ownership of their ancestral lands, management of the natural resources on their territories, the exercise of their customary laws, and the capacity to represent themselves through their own institutions.

154. Unfortunately, States have considered indigenous peoples' forests as State-controlled forests and converted them for other uses such as logging, agribusiness plantations and mineral, oil and gas extraction. Such encroachments often force indigenous peoples out of their territories. Furthermore, some conservation schemes that establish national parks and wilderness reserves deny forest-dwelling indigenous peoples their rights.

155. The Permanent Forum recommends that States recognize the right of indigenous peoples to own, control, use and have access to their forests, and calls on States to reform their laws and policies that deny indigenous peoples that right. The Forum is gravely concerned about the continuing eviction of indigenous peoples from their forests and calls on States and the United Nations system and other intergovernmental organizations to protect and respect the rights of forest-dwelling and forest-dependent indigenous peoples and to provide redress to those whose rights have been violated.

156. The Permanent Forum welcomes the decision taken by the General Assembly in its resolution 61/193 to declare 2011 the International Year of Forests. The Forum calls on the United Nations Forum on Forests to work closely with the secretariat of the Permanent Forum to ensure the full participation of indigenous peoples in the design and implementation of the activities planned for the International Year of Forests, including the implementation of the recommendations referred to in paragraph 23 above.

157. As part of its mandate on the environment, the Permanent Forum has raised concerns and made recommendations pertaining to indigenous peoples and forests. The Forum has consistently recommended that the United Nations Forum on Forests and forest-related United Nations bodies develop effective means to monitor and verify the participation of indigenous peoples in forest policymaking and sustainable forest management, and establish a mechanism, with the participation of indigenous peoples, to assess the performance of governmental and intergovernmental commitments and obligations to uphold and respect indigenous peoples' rights (see E/C.19/2004/23).

158. The Permanent Forum recommends that forests that have been taken by States from indigenous peoples without their free, prior and informed consent in the name of conservation policies be restored immediately.

159. The Permanent Forum welcomes the announcement during this session of the Conservation Initiative on Human Rights by eight global conservation organizations — the International Union for the Conservation of Nature and Natural Resources, the World Wide Fund for Nature/World Wildlife Fund, Fauna and Flora International, Wetlands International, BirdLife International, the Nature Conservancy, the Wildlife Conservation Society and Conservation International — which aims to promote the integration of human rights in conservation policy and practice, based on their common interest in promoting positive links between conservation and rights of

people to secure their livelihoods, enjoy healthy and productive environments and live with dignity. The Forum recommends that these conservation organizations ensure the full participation of indigenous peoples in the implementation of the Initiative. The Forum further recommends that conservation organizations that have projects that have led to the eviction of indigenous peoples from their forests provide redress and restitution to such victims.

160. The Permanent Forum welcomes the presence of the Minister of the Environment and International Development of Norway and the side event organized by the Government of Norway, at which the Minister held an interactive dialogue with indigenous peoples and others on the Oslo-Paris Initiative on REDD-plus. The Forum recommends that the Initiative ensure the inclusion and the full and effective participation of indigenous peoples and that it not remain as an initiative of Governments only. The Forum further recommends that the Initiative ensure the implementation of the safeguards contained in the report of the Ad Hoc Working Group on long-term cooperative action under the United Nations Framework Convention on Climate Change on its eighth session (FCCC/AWGLCA/2009/17) which stresses the need to respect the knowledge and rights of indigenous peoples, noting the adoption of the United Nations Declaration on the Rights of Indigenous Peoples; the need for the full and effective participation of indigenous peoples, the non-conversion of natural forests for other uses, and the conservation of biological diversity; and the need to address the drivers of deforestation and land tenure issues.

161. The Permanent Forum recommends that Governments and States promote the creation of conditions for indigenous peoples that will enable them to maintain the forests in their traditional way and conserve their cultural identity, with priority accorded to indigenous peoples in voluntary isolation, strengthening their capacities and highlighting the value of ancestral knowledge related to native forests. The Forum further recommends that the traditional knowledge and traditional forest management practices and governance systems of indigenous peoples for the protection and use of their forests be recognized in all forest policies and climate-related forest initiatives.

Indigenous women

162. The Permanent Forum notes that 2010 is the review year for the Beijing Platform for Action and for the Millennium Development Goals. Fifteen years after Beijing and 10 years after the Millennium Summit, the situations of poverty faced by indigenous peoples, and their lack of access to basic services like health and education, especially among women, remain pervasive. The Forum reiterates and reaffirms the Beijing Declaration of Indigenous Women as a key tool for achieving the Millennium Development Goals with respect to indigenous women and their communities while advancing commitments to the United Nations Declaration on the Rights of Indigenous Peoples. The Forum calls on Governments and United Nations agencies to provide space for indigenous peoples, especially indigenous women, in the different processes leading to the review of the Beijing Platform for Action and the review of the Millennium Development Goals to be undertaken at the High-level Plenary Meeting of the General Assembly in September 2010.

163. The Permanent Forum recommends that States, relevant United Nations agencies and other intergovernmental organizations and bilateral donors support strategies for intercultural prevention and eradication of violence against women

that are designed and driven by indigenous women's organizations and that consider indigenous approaches to address gender-based violence.

164. The Permanent Forum recommends that States, United Nations agencies and other intergovernmental organizations and bilateral donors support the promotion and full and effective participation of indigenous women in decision-making spheres at all levels, including in administration and civil service, government action, government bodies, political parties, the judiciary and trade unions and that leadership and training processes be considered as pillars for such participation.

165. The Permanent Forum recommends that States: ensure that the collection of statistical data be disaggregated by sex and ethnicity; discourage monitoring that is focused only on national averages; ensure indigenous peoples' and indigenous women's effective participation in all stages of the preparation, coordination and implementation of data collection; develop a proper system of indicators in partnership with indigenous peoples and women; and enable a measurement of progress in the different areas.

166. The Permanent Forum recommends that States include ethnic identification in vital statistics and health records, allocate more funding for intercultural services that ensure indigenous women's access to quality health care, including emergency obstetric care, voluntary family planning and skilled attendants at delivery, and that the role of traditional midwives be strengthened and extended.

Chapter II

Venue, dates and proceedings of the session

167. By its decision 2009/218, the Economic and Social Council decided that the tenth session of the Permanent Forum would be held at United Nations Headquarters from 16 to 27 May 2011.

168. At its 2nd to 4th meetings, on 19 and 20 April 2010, the Permanent Forum considered, under agenda item 3, the special theme for the year, "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples". For its consideration of the item, the Forum had before it the report of the Inter-Agency Support Group on Indigenous Issues (E/C.19/2010/8). At its 16th and 17th meetings, on 30 April 2010, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

169. At its 5th and 6th meetings, on 21 and 22 April, the Forum considered agenda item 4, "Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs".

170. At its 7th meeting, on 22 April, the Permanent Forum considered item 5, "Half-day discussion on North America". At its 16th and 17th meetings, on 30 April, the Forum considered and adopted its recommendations submitted under agenda item 5 (see chap. I, sect. B).

171. At its 8th meeting, on 23 April, the Forum held comprehensive dialogue with one of the United Nations agencies and funds. In this regard, the Forum had before it a report submitted by the secretariat of the Convention on Biological Diversity (E/C.19/2010/3).

172. At its 9th and 14th meetings, on 26 and 29 April, the Forum considered agenda item 7, "Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues". At its 16th and 17th meetings, on 30 April, the Forum considered and adopted its recommendations submitted under agenda item 7 (see chap. I, sect. B).

173. At its 15th meeting, on 29 April, the Forum considered agenda item 8, "Draft agenda for the tenth session of the Permanent Forum". At its 16th and 17th meetings, on 30 April, the Forum considered and adopted a draft decision submitted under agenda item 8 (see chap. I, sect. A).

Chapter III

Adoption of the report of the Permanent Forum on its ninth session

174. At its 16th and 17th meetings, on 30 April, the Rapporteur introduced the draft decisions and recommendations and the draft report of the Permanent Forum on its ninth session.

175. At the 17th meeting, on 30 April, the Permanent Forum adopted its draft report.

Chapter IV
Organization of the session

A. Opening and duration of the session

176. The Permanent Forum held its ninth session at United Nations Headquarters from 19 to 30 April 2010. It held 17 formal meetings and 3 closed meetings to consider the items on the agenda.

177. At its 1st meeting, on 19 April, the ninth session was opened by the Under-Secretary-General for Economic and Social Affairs. At the opening ceremony, Tadodaho Sid Hill, of the Onondaga Nation, delivered a welcoming address. The Secretary-General and the President of the General Assembly made statements.

178. At the same meeting, statements were made by the President of the Economic and Social Council, the Chair of the Permanent Forum, the Under-Secretary-General for Economic and Social Affairs, the Executive Secretary of the secretariat of the Convention on Biological Diversity and the Minister of Māori Affairs of New Zealand.

B. Attendance

179. Members of the Forum and representatives of Governments, United Nations entities, intergovernmental organizations and bodies and non-governmental and indigenous organizations attended the session. The list of participants is contained in document E/C.19/2010/INF/1.

C. Election of officers

180. At its 1st meeting, on 19 April, the Forum elected the following members of the Bureau by acclamation:

Chair:

Carlos Mamani **Condori**

Vice-Chairs:

Hassan Id **Balkassm**
Michael **Dodson**
Tonya Gonnella **Frichner**
Bartolomé **Clavero Salvador**

Rapporteur:

Paimaneh **Hasteh**

D. Agenda

181. At its 1st meeting, on 19 April, the Forum adopted the provisional agenda as contained in document E/C.19/2010/1.

E. Documentation

182. At its eighth session, the Permanent Forum held comprehensive dialogues with six United Nations agencies, funds and programmes. The results of these dialogues, including the recommendations of the Forum to the six agencies, is contained in the annex to the present report.

183. A list of the documents before the Forum at its ninth session is contained in document E/C.19/2010/INF/2.

Annex

Comprehensive dialogue with six United Nations system entities

I. Office of the United Nations High Commissioner for Human Rights

1. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 22 May 2009 as part of its new working methods during the eighth session. The Permanent Forum welcomed the participation of OHCHR and expressed its appreciation for the detailed and informative report presented by the Office on its activities in support of indigenous peoples (E/C.19/2009/3/Add.2).[a]

2. The Permanent Forum posed questions to OHCHR addressing a number of issues, including the following:

(a) The roles of OHCHR and the Permanent Forum in the light of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) How to improve coordination between OHCHR and the secretariat of the Permanent Forum and ensure that work related to the three United Nations mandates devoted to indigenous peoples (the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples) is pursued in a complementary fashion;

(c) The inclusion of indigenous peoples' concerns in the universal periodic review process and the policy frameworks of United Nations treaty monitoring bodies;

(d) The capacity-training initiatives of OHCHR, as well as thematic research and reports;

(e) OHCHR contributions to inter-agency efforts to promote the rights of indigenous peoples and mainstream their issues within the United Nations system;

(f) Communication between OHCHR and indigenous representatives at headquarters and in the field;

(g) The prioritization of indigenous peoples within the total work programme of OHCHR;

(h) An assessment of the impact of Permanent Forum recommendations on OHCHR activities, as well as the effectiveness of such recommendations;

(i) OHCHR engagement with national human rights institutions.

Observations on the dialogue

3. The Permanent Forum commends the Office of the United Nations High Commissioner for Human Rights for the fruitful in-depth dialogue concerning the present work of OHCHR in the field of indigenous peoples' issues as well as the assistance the Office could provide for the activities of the Forum in future.

[a] For an extensive summary of the in-depth dialogue between the Permanent Forum and the Office of the United Nations High Commissioner for Human Rights, see http://www.un.org/News/Press/docs/2009/hr4987.doc.htm.

4. The Permanent Forum commends OHCHR for its commitment to advancing the human rights of indigenous peoples through its promotion of the United Nations Declaration on the Rights of Indigenous Peoples, its regional and country presence, the hands-on training that it provides to United Nations staff and its Indigenous Fellowship Programme. Furthermore, OHCHR provides support in the area of indigenous peoples' issues through the servicing of human rights treaty bodies, including the Committee on the Elimination of Racial Discrimination, which has paid close attention to indigenous peoples, and the Committee on the Rights of the Child, which recently addressed the situation of indigenous children in one of its general comments.

5. The Permanent Forum notes with appreciation the fact that, during 2009, OHCHR increased the allocation of its resources devoted to the protection of indigenous peoples, and urges further increases in the future.

6. The Permanent Forum notes that numerous indigenous organizations attend the annual sessions of the Permanent Forum and the Expert Mechanism, at which specific allegations of human rights violations are often made. The Permanent Forum, the Expert Mechanism and the Special Rapporteur could benefit from working together to develop measures to channel such allegations to the appropriate human rights mechanisms, including by supporting training by OHCHR on the use of such mechanisms.

7. The Permanent Forum and OHCHR have the same duty to promote respect for the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and follow up on the effectiveness of the Declaration in accordance with article 42 of the Declaration. The Permanent Forum and OHCHR should, within their capacities, work towards transforming the Declaration in its entirety into living law.

Concluding recommendations

8. The Permanent Forum recommends that OHCHR aspire to adapt its organizational structures to the post-Declaration era by strengthening secretariat structures devoted to indigenous peoples' issues.

9. The Permanent Forum recommends that OHCHR continue to contribute to strengthening the working relations between the treaty bodies and the three United Nations mechanisms which have specific mandates to address indigenous peoples' issues in order to enhance compliance with the United Nations Declaration on the Rights of Indigenous Peoples. In this regard, OHCHR could facilitate the participation of the Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Chairperson of the Permanent Forum at the next annual meeting of the chairpersons of the treaty bodies.

10. The Permanent Forum recommends that the annual report of OHCHR to the Permanent Forum provide a summary of relevant reports, decisions and recommendations of the Human Rights Council, its subsidiary bodies and special procedures, as well as the universal periodic review working group, United Nations treaty bodies and other relevant United Nations reports and conferences.

11. The Permanent Forum commends OHCHR for conducting training sessions on the rights of indigenous peoples for its staff in a number of Asian and African

countries. The Permanent Forum recommends that OHCHR continue to expand such training and capacity-building efforts for its staff, both at headquarters and in country teams in all regions.

12. The Permanent Forum recommends that OHCHR produce a periodic electronic bulletin on relevant activities regarding the rights of indigenous peoples, including decisions and observations by United Nations human rights mechanisms regarding States under review, and its activities at the regional or local levels and other events.

13. The Permanent Forum recommends that OHCHR take a leading role in ensuring that United Nations country teams undertake their policies or programmes affecting indigenous peoples in cooperation with indigenous peoples' representatives and organizations.

II. International Fund for Agricultural Development

14. The Permanent Forum on Indigenous Issues expresses its appreciation to and congratulates the International Fund for Agricultural Development (IFAD) for the constructive dialogue between the delegation of IFAD and the Permanent Forum held on 26 May 2009. The Permanent Forum also expresses its appreciation for the detailed and informative report presented by IFAD on its activities specifically related to indigenous issues (E/C.10/2009/3/Add.6).[b]

15. Since the establishment of the Permanent Forum on Indigenous Issues, IFAD has been a valuable partner within the framework of the Inter-Agency Support Group on Indigenous Issues and has supported the work of the Forum, including its efforts towards the establishment of indicators relevant to indigenous peoples. Focusing on agriculture and rural development, IFAD has provided a significant contribution to the reduction of poverty among rural indigenous peoples, for whom the issue of land rights, territory and agricultural production is of vital interest.

Observations on the dialogue

16. The Permanent Forum congratulates IFAD for its ongoing initiative to develop an institutional policy on engaging with indigenous peoples and supports the approval of the policy by the Executive Board of IFAD. That initiative is a positive example to be followed by United Nations agencies and other intergovernmental organizations, and conforms with the repeated call of the Permanent Forum to agencies to adopt policies on indigenous peoples' issues.

17. The Permanent Forum takes note with appreciation of the Fund's approach with regard to incorporating the United Nations Declaration of the Rights of Indigenous Peoples in its programmes and projects at both the institutional-policy and operational levels through its country-level operative planning tools. The Permanent Forum acknowledges and appreciates the participatory and consultative approach taken in the development of the policy. The Permanent Forum is concerned, however, about the lack of mechanisms for addressing problems relating to the application of the policy in future.

[b] For an extensive summary of the in-depth dialogue between the Permanent Forum and the International Fund for Agricultural Development, see http://www.un.org/News/Press/docs/2009/hr4987.doc.htm.

18. The Permanent Forum recognizes the various existing situations regarding the issue of the self-recognition of African indigenous peoples. During the in-depth dialogue, Member States and the Permanent Forum recognized the important work of IFAD in the region and urged it to strengthen its focus on indigenous issues in Africa as it has done in other regions by applying a pragmatic approach.

Concluding recommendations

19. The Permanent Forum takes note of the determination of IFAD — for which it congratulates the Fund — to identify indigenous peoples as a specific target group within the agency's strategic framework, which, in a significant way, has consolidated and legitimized indigenous peoples' issues in its work with its partners, other organizations and States. The Permanent Forum finds that identifying indigenous peoples as a specific target group is a standard-setting approach, to be duplicated by the United Nations and other international agencies. It is recommended that IFAD maintain its strong focus on indigenous peoples' issues in the formulation of the new institutional strategic framework, which is due to commence soon.

20. The gaps and challenges facing IFAD in terms of its commitment to indigenous peoples' issues include the mainstreaming of the new institutional policy on engaging with indigenous peoples at all levels of the organization globally, regionally and nationally. The Permanent Forum recommends that institutional mechanisms be established so as to secure the process of mainstreaming within the agency.

21. The Permanent Forum takes note of the difficulties mentioned in the IFAD report and during the in-depth dialogue regarding engagement with partners whose approach may not be favourable to indigenous issues. The United Nations Declaration on the Rights of Indigenous Peoples has been acknowledged by IFAD as an important instrument to promote a strong focus on indigenous peoples with its partners. The Permanent Forum recommends that IFAD use the Declaration actively and engage in a constructive dialogue regarding indigenous peoples' issues, even if its partners demonstrate a lack of interest or a less-than-positive attitude.

22. The Permanent Forum acknowledges the Fund's country strategic opportunities programmes as an important instrument for actively focusing on indigenous issues at the national level. The Permanent Forum recommends that IFAD construct mechanisms to secure the complementary use of the national operative planning instruments and the new institutional policy on engaging with indigenous peoples. The alignment of those instruments with the future institutional policy on indigenous issues is important for the mainstreaming of indigenous peoples' issues within IFAD.

23. The Permanent Forum recommends that IFAD develop a stronger focus on issues relating to land and territory and actively promote indigenous peoples' rights to land.

24. As part of the active engagement of IFAD with indigenous peoples' issues, the Permanent Forum recommends that the Indigenous Peoples Assistance Facility be incorporated into the organization's general budget so as to guarantee sustainability and the transfer of good practices and lessons learned within IFAD programmes and projects. The Permanent Forum also recommends that the facility extend its funding directly to indigenous peoples' organizations. Support for indigenous peoples'

organizations should have as its point of departure the co-administration and co-implementation of the projects.

25. The Permanent Forum recommends that when planning, preparing and implementing its programmes and projects, IFAD conduct the necessary investigations so as to ensure that the particularities and cultural sensitivities of indigenous peoples involved in and affected by the programmes and projects are taken into account. The Permanent Forum underlines the fact that indigenous peoples are to be engaged as an active and equal partner in all processes and phases of programmes and projects.

III. Food and Agriculture Organization of the United Nations

26. The Permanent Forum on Indigenous Issues held its in-depth dialogue with the Food and Agriculture Organization of the United Nations (FAO) on 22 May 2009. The in-depth dialogue was the first of its kind, and the Permanent Forum welcomes the participation of FAO and expresses its appreciation for the detailed report submitted by the organization (E/C.19/2009/3/Add.3).[c]

27. FAO is a valuable partner of the Permanent Forum and an active participant in the Inter-Agency Support Group on Indigenous Issues. FAO has been a leading proponent of supporting indigenous peoples in the field of communication for development.

Observations on the dialogue

28. The Permanent Forum welcomes the continued work of FAO on issues related to food security and nutrition. FAO efforts in the area of biodiversity conservation and sustainable natural resources management are also a valuable contribution, since the survival strategies and food security of many indigenous peoples are contingent upon the availability of and access to a healthy environment. Such initiatives demonstrate the organization's increasing commitment to and willingness to working with indigenous peoples as partners or as active agents in change.

29. The Permanent Forum takes note of the information contained in the FAO report to the Forum and provided during the comprehensive dialogue, and appreciates FAO fieldwork, research and policy initiatives regarding indigenous peoples' issues. The Permanent Forum notes in particular the commitment of a considerable number of FAO staff to indigenous issues, both in the field and at headquarters.

30. At the same time, the Permanent Forum takes note of the fact that FAO does not have a specific mandate to work on indigenous peoples' issues or a specific unit responsible for dealing specifically with such issues. To date, issues relating to indigenous peoples have not been dealt with on a systematic basis at FAO, and related projects are frequently dependent on the goodwill and determination of individual staff members of the organization. FAO is not specifically mandated to work with indigenous peoples; its primary mandate is to work with the rural poor.

[c] For a detailed narrative of the in-depth dialogue, see the summary prepared by the Department of Public Information (HR/4986), available at http://www.un.org/News/Press/docs/2009/hr4986.doc.htm.

However, indigenous peoples constitute a disproportionately high number of the world's rural poor. Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples clearly provides a mandate to all United Nations agencies to work specifically on indigenous peoples' issues.

31. In this respect, the Permanent Forum encourages countries members of FAO to push for more concerted action on this front. The absence of a specific mandate evidently causes some resistance within FAO itself — a resistance which impedes an area of work to which FAO could bring great benefits.

32. The approval of an FAO policy on indigenous peoples' issues would allow the organization to address indigenous issues in a more consistent and committed way. Although the process of developing such a policy began some time ago, the United Nations Declaration on the Rights of Indigenous Peoples has given a push to current efforts to complete that endeavour. Articles 41 and 42 of the Declaration clearly provide a mandate to all United Nations agencies to work specifically on indigenous peoples' issues, and the Forum is pleased to hear that these will be taken seriously at FAO.

33. Mainstreaming indigenous issues in the work of FAO will undoubtedly take time. It is an effort that needs to be introduced gradually and that will have to proceed step by step. The Permanent Forum welcomes the FAO proposal that the adoption of the policy be followed by the development of an operational strategy and training programme to integrate greater awareness of indigenous issues into the organization overall and construct a feasible way forward.

34. The Permanent Forum supports the request of indigenous peoples to be more involved in FAO work. Although the primary recipients of FAO assistance are Governments, the suggestion that indigenous representatives be called upon to provide special advice and guidance is a welcome one which could set an important example. The World Summit on Food Security, which will take place at FAO later this year, will offer a good opportunity to begin greater collaborations of that kind. FAO has confirmed that an indigenous peoples' forum will be held as part of the Summit; that event will allow indigenous voices to be heard and will serve to strengthen the momentum to ensure the more systematic consideration of indigenous issues within FAO.

Concluding recommendations

35. The Permanent Forum thus welcomes FAO efforts to develop a policy on indigenous peoples' issues which will help organization staff to work with indigenous peoples in a more systematic way. With a view to strengthening FAO work with indigenous peoples, the Permanent Forum encourages the organization to finalize the draft policy as soon as possible and to submit it to senior management for approval.

36. The Permanent Forum recognizes the initial efforts made by FAO towards the elaboration of a methodological discussion platform to address indigenous peoples' territorial rights. The Permanent Forum recommends that FAO and other interested or partner agencies continue the joint elaboration of the participatory methodology and start using it in the field in order to strengthen the delimitation, titling and negotiated development processes specifically targeting indigenous peoples' needs.

37. The Permanent Forum encourages FAO to continue supporting indigenous peoples' organizations in the field of communication for development. In particular, the Permanent Forum recommends that FAO continue to provide support for indigenous peoples' communication platforms and their activities in the field of participatory territorial development and community-based adaptation to climate change. The Permanent Forum recommends that other United Nations agencies and donors join FAO in that important task and strengthen the reporting and monitoring mechanisms about indigenous peoples' right to communication as a condition towards free and informed prior consent and self-determined development.

IV. United Nations Development Programme

38. The Permanent Forum on Indigenous Issues held its first in-depth dialogue with the United Nations Development Programme (UNDP) on 22 May 2009. The in-depth dialogue was the first of its kind, and the Permanent Forum welcomes the UNDP participation and expresses its appreciation for the detailed report submitted by the Programme (E/C.19/2009/3/Add.5).[d]

39. The Permanent Forum posed a broad range of questions to UNDP related to the following issues:

(a) The role of UNDP in the light of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) UNDP policies and procedures and their impact on programming with, and for, indigenous peoples;

(c) UNDP region/country-specific initiatives on indigenous peoples' issues, including the Regional Indigenous Peoples' Programme in Asia;

(d) The internal capacity of UNDP to effectively address indigenous peoples' issues;

(e) The inclusion of indigenous peoples' issues in human development reports and national Millennium Development Goals reports;

(f) The role of UNDP in reducing emissions from deforestation and forest degradation in developing countries and its potential impact on indigenous peoples;

(g) The Global Environmental Facility of UNDP, in particular the Small Grants Programme and community-based adaptation initiatives under the facility;

(h) The role of UNDP in inter-agency cooperation on indigenous peoples' issues.

Observations on the dialogue

40. The Permanent Forum has enjoyed a fruitful partnership with UNDP. As new challenges emerge, the partnership between United Nations agencies and indigenous peoples needs to be further strengthened.

[d] For a detailed narrative of the in-depth dialogue, see the summary prepared by the Department of Public Information (HR/4986), available at http://www.un.org/News/Press/docs/2009/hr4986.doc.htm.

41. The Permanent Forum commends the UNDP Regional Indigenous Peoples' Programme in Asia for its sustained contribution to the implementation of indigenous peoples' rights in that region.

42. The Permanent Forum commends the UNDP Regional Bureau for Latin America and the Caribbean for actively engaging with indigenous peoples throughout the region.

43. The Permanent Forum commends the Global Environmental Facility Small Grants Programme for its ongoing support for indigenous peoples' organizations.

Concluding recommendations

44. The Permanent Forum makes the following recommendations to UNDP with a view to strengthening its work on indigenous peoples' issues in the years to come and ensuring that it remains faithful to its mandate on human development.

45. The Permanent Forum greatly welcomes the new global indigenous peoples' partnership initiative that UNDP is developing with the International Labour Organization (ILO) and OHCHR to promote the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. The Permanent Forum hopes to support that initiative, working in cooperation with other actors, by providing advice during the initial phase as well as throughout the process.

46. In order to fully address the fact that indigenous peoples lag behind in terms of the attainment of the Millennium Development Goals, it will be necessary for UNDP to strengthen its policies to integrate human rights and indigenous peoples' issues into all projects that affect indigenous peoples, in particular with regard to strategies and tools aimed at achieving the Millennium Development Goals.

47. The Permanent Forum is very concerned that indigenous peoples continue to report difficulties in participating in UNDP projects and engaging with UNDP offices. The Forum recommends that UNDP improve access to information on the Programme for indigenous peoples and ensure easier access to its staff members in country offices. UNDP should promote mechanisms that ensure a constructive and institutionalized dialogue between indigenous peoples and United Nations country teams at the country level, for example, by establishing advisory boards composed of indigenous representatives who can bring their perspectives to United Nations programming processes and policies.

48. The Permanent Forum recommends that UNDP utilize the expertise of Permanent Forum members by keeping them informed of programmes and projects involving indigenous peoples within their areas of responsibility and obtaining their input and involvement on proposed projects and subsequent implementation.

49. The Permanent Forum observes that UNDP projects focused on indigenous peoples' issues are few in number and dispersed, and constitute a very small fraction in the overall UNDP portfolio. This is a serious concern, as indigenous peoples are lagging behind in the achievement of the Millennium Development Goals and continue to face marginalization and exclusion. The Permanent Forum therefore recommends that UNDP allocate additional resources for projects that are focused on indigenous peoples' issues and rights, including strengthening the regional programme in Asia and establishing new regional programmes in Latin America and Africa.

50. The Permanent Forum urges UNDP to enhance its own capacity in the area of indigenous peoples' issues by ensuring sufficient expertise and human resources, in particular at the headquarters level, but also in its regional centres, including regional policy advisers on indigenous peoples' issues who are able to provide adequate support to country offices.

51. In order to enhance its capacity, first-hand understanding and leadership in the area of indigenous peoples' issues, the Permanent Forum strongly recommends that UNDP establish training programmes similar to the Leadership Development Programme and junior professional programmes focused on attracting indigenous professionals or incorporate an indigenous component in existing programmes.

52. The Permanent Forum commends the UNDP Regional Bureau for Latin America and the Caribbean for starting a regional initiative building on the Programme's experience in Asia. The Forum recommends that that initiative be consolidated and that the Regional Bureau implement a regional programme to ensure cross-fertilization of good practices among countries and coherent policy approaches. The Forum encourages the Regional Bureau to strengthen its capacity and, together with the Inter-Agency Support Group, looks forward to supporting those efforts through specialized training workshops for United Nations country teams.

53. The Permanent Forum recommends that a capacity-development component be included in UNDP projects that affect indigenous peoples. The Forum also recommends that the experience and knowledge of the Small Grants Programme of the Global Environmental Facility be utilized by other small-grant schemes and that a stronger link be developed between efforts to enhance the capacity of indigenous peoples' organizations and UNDP efforts to enhance the participation of indigenous peoples in national policy processes.

54. The Permanent Forum urges UNDP to further strengthen the right to self-determination of indigenous peoples by choosing indigenous peoples' organizations as their implementing partners and responsible parties in their projects involving indigenous peoples, especially those with established track records in project implementation. As a corollary to the foregoing, government agencies created to promote and protect the rights and interests of indigenous peoples should be preferred as implementing partners in UNDP programming on indigenous peoples' issues so that they can effectively perform their mandate.

V. United Nations Population Fund

55. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the United Nations Population Fund (UNFPA) on 26 May 2009 as part of its new working methods during the eighth session. The Permanent Forum welcomes the participation of UNFPA and expresses its appreciation for the detailed and informative report submitted by the Fund on its activities in support of indigenous peoples' issues in recent years, in particular its work in addressing indigenous women's rights and reproductive rights (E/C.19/2009/3).[e]

[e] For a detailed narrative of the in-depth dialogue, see the summary prepared by the Department of Public Information (HR/4986), available at http://www.un.org/News/Press/docs/2009/hr4986.doc.htm.

56. The Permanent Forum posed a broad range of questions to UNFPA, addressing the following key issues:

(a) The impact of the United Nations Declaration on the Rights of Indigenous Peoples on the work of UNFPA;

(b) The impact of political conditions on the Fund's opportunities to advance indigenous women's rights;

(c) The integration of traditional knowledge and culturally sensitive approaches to health services in the countries in which UNFPA is active;

(d) The Fund's role in the empowerment of indigenous women's organizations and networks;

(e) UNFPA contributions to data collection, dissemination and use of such data;

(f) The Fund's role in HIV/AIDS prevention among indigenous peoples, in particular young people;

(g) UNFPA integration of indigenous peoples into its poverty-reduction efforts.

Observations on the dialogue

57. The Permanent Forum recognizes that UNFPA has been an important partner for it, as well as an active participant in the Inter-Agency Support Group on Indigenous Issues. The Permanent Forum congratulates UNFPA for its important role in advancing indigenous women's human rights and reproductive health, including its efforts to reduce maternal mortality and to empower indigenous women to advocate for their own reproductive rights.

58. The Permanent Forum commends UNFPA for its intensified efforts to promote and mainstream a culturally sensitive approach into its programmes at the global, regional and national levels, in line with the recommendations of the Permanent Forum. The Permanent Forum notes with appreciation the Fund's promotion of intercultural health models. UNFPA intercultural approaches in Viet Nam, Bangladesh, Panama, Mexico, Peru, the Plurinational State of Bolivia and Ecuador, stressing the leadership role of indigenous women at the national and regional levels, were highlighted during the in-depth dialogue at the eighth session of the Forum.

59. The Permanent Forum commends UNFPA for its emphasis on the participation of indigenous women in its programmes. The Fund's approach in this regard during the dialogue was summed up by the phrase "Nothing about you without you". The Permanent Forum also notes with appreciation UNFPA efforts to strengthen indigenous women's networks in South America.

60. The Permanent Forum commends UNFPA for its efforts at the regional and country levels to collect disaggregated data and develop and disseminate quantitative and qualitative studies on the situation of indigenous peoples, focusing particularly on the rights of indigenous women and girls and its efforts in several countries to ensure that indigenous issues are adequately reflected in national censuses. The Permanent Forum also welcomes the Fund's promotion of the collection and use of disaggregated data to support Governments in designing and

implementing policies and programmes that tackle inequities and benefit vulnerable populations. The Permanent Forum shares the concern of UNFPA that gaps in information collected in demographic surveys can mask discrepancies in progress among indigenous peoples (for example, while poverty rates may decline within a particular country, they may remain higher among indigenous peoples in comparison with the general population).

Concluding recommendations

61. The Permanent Forum notes with appreciation the active engagement of UNFPA with indigenous peoples in the regions of Latin America and Asia, as well as its detailed reporting on its work in these areas. The Permanent Forum invites UNFPA to continue reporting on its work and recommends that future reports deal with agency activities in all sociocultural regions or, if no relevant activities are under way in a particular region, the challenges to addressing indigenous issues in such regions.

62. The Permanent Forum commends UNFPA for its financial and technical support for strengthening national capacity for censuses, surveys and needs assessments, and for its focus on the 2010 round of censuses, the results of which will be critical for assessing progress towards the Millennium Development Goals. The Permanent Forum recommends that UNFPA vigorously promote the inclusion of indigenous peoples in the 2010 round of censuses, particularly in cases where Governments may seek to avoid questions pertaining to indigenous peoples.

63. The Permanent Forum commends UNFPA for its efforts to build staff capacity on indigenous peoples' issues and recommends that such efforts continue, together with efforts to recruit indigenous peoples where possible.

64. The Permanent Forum recommends that UNFPA continue its work in support of the participation of indigenous women in regional and national consultations, including training and other capacity-building programmes.

VI. Department of Economic and Social Affairs

65. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the following six divisions of the Department of Economic and Social Affairs of the Secretariat: the Division for Sustainable Development; the secretariat of the United Nations Forum on Forests; the Division for Public Administration and Development Management; the Statistics Division; the Division for the Advancement of Women; and the Division for Social Policy and Development, which hosts the secretariat of the Permanent Forum on Indigenous Issues.

66. The in-depth dialogue was held on 22 May 2009 as part of the new working methods of the Permanent Forum during its eighth session. The Permanent Forum welcomes the participation of the six divisions, and expresses its appreciation for the detailed and informative report submitted by the Department of Economic and Social Affairs on its activities in support of indigenous peoples (E/C.19/2009/3/Add.4).

67. The Permanent Forum posed questions to the six divisions addressing a number of issues, including the following:

(a) The impact of the United Nations Declaration on the Rights of Indigenous Peoples on the divisions' activities and overall direction, including technical cooperation;

(b) The divisions' contribution towards the empowerment of indigenous peoples' organizations and networks, including indigenous women's organizations and networks;

(c) The contributions of major groups to discussions and decision-making on issues related to forest policy and sustainable forest management;

(d) Improving and increasing major group and stakeholder participation, including of indigenous peoples, during the future work of the divisions;

(e) Measures adopted to improve the identification of indigenous peoples in the upcoming 2010 round of censuses, including the full participation of indigenous peoples in that process;

(f) The mainstreaming of statistical issues pertaining to indigenous peoples when developing handbooks and guidelines;

(g) Assessing the impact of indigenous women as the target group in technical cooperation projects;

(h) Incorporating the perspectives of indigenous young people.

Observations on the dialogue

68. The Permanent Forum notes that the divisions of the Department of Economic and Social Affairs facilitate participation of indigenous peoples in multi-stakeholder dialogues held in the context of intergovernmental processes. In particular, the Division for Sustainable Development and the secretariat of the United Nations Forum on Forests work closely with indigenous peoples' organizations to facilitate their active participation in the multi-stakeholder dialogues convened at each session of the Commission on Sustainable Development and the Forum on Forests. The Permanent Forum also notes that the multi-year work programme of the Forum on Forests includes activities relating to indigenous peoples in 2011. The Division for the Advancement of Women facilitates the participation of indigenous women in high-level round tables and expert panels of the Commission on the Status of Women, which continues to address the situation of indigenous women in relation to the themes and issues considered at its sessions.

69. The Permanent Forum notes that the divisions strive to include indigenous peoples in policy development and decision-making. During the 10-year review of the Beijing Platform for Action, the Commission on the Status of Women, responding to the calls of indigenous peoples, adopted a resolution calling for measures to address the concerns of indigenous women throughout the implementation and monitoring of the Beijing Platform and for the full participation of indigenous women in all aspects of society. The secretariat of the Permanent Forum on Indigenous Issues, which is hosted by the Division for Social Policy and Development, is a vehicle by means of which indigenous peoples are able to participate in policy development. Furthermore, the World Public Sector Report 2008, produced by the Division for Public Administration and Development Management, highlighted innovative local government practices, featuring the

experience of two cities in Ecuador which are managed by indigenous mayors on the basis of a cross-cultural participatory approach.

70. The Permanent Forum commends the efforts made to include indigenous peoples in statistics and disaggregated data. As the Permanent Forum has pointed out, data collection and disaggregation concerning indigenous peoples poses unique challenges. The latest version of the United Nations *Principles and Recommendations for Population and Housing Censuses*, produced by the Department of Economic and Social Affairs, elaborates the need to disaggregate statistics on the basis of ethnocultural characteristics, especially with respect to indigenous populations. The Statistics Division, as part of its series of special topics, collected, processed and disseminated data on ethnocultural characteristics as available in the 2000 census round, complementing it with the set of questions used in national censuses to capture the data in the various categories.

71. In this regard, the Permanent Forum notes with appreciation the recommendation of the United Nations Statistics Commission that all countries undertake at least one national census on population and housing during the period 2005-2014 and that field work be conducted on existing social structures, including indigenous peoples' communities. In addition, the Commission's guidelines clearly state that all questionnaires must be translated into all languages, including all indigenous peoples' languages, that indigenous peoples be recruited to conduct questionnaires in order to ensure that responses in national censuses are of a high quality and that technical support staff work with indigenous elders to ensure that indigenous peoples understand the census process and that their issues are addressed.

72. With regard to other issues affecting indigenous peoples, the Permanent Forum commends the Division for the Advancement of Women for including indigenous women in its database on violence against women, which was launched in March 2009, as well as highlighting the needs of indigenous girls in education programmes aimed at eliminating all forms of discrimination and violence against the girl child, and for focusing on rural indigenous women in its 2007 report and in discussions on climate change addressing indigenous women's vulnerability.

73. The Permanent Forum commends the Division for Sustainable Development for its initiative to select indigenous peoples' organizations to conduct fieldwork and data compilation for the Division and for the fact that national data indicators on indigenous peoples are available in the Division's national recording mechanisms and country profiles. The Permanent Forum also takes note of fact that the Division for Sustainable Development has hosted side events that inform indigenous peoples about how they can be involved in the Division's work and that a special study on indigenous peoples in Africa has been conducted.

74. The Permanent Forum notes that the Division for Public Administration and Development Management conducted work on indigenous peoples' civic participation and offered online training for Governments on the rights of indigenous peoples, commencing with the development of various governance indicators, as they pertained to indigenous people. Furthermore, as indigenous women constitute a special group within indigenous societies and are thus especially disadvantaged, it is important that they be a target group.

75. The Permanent Forum notes that the mainstreaming of indigenous peoples' issues within the Division for Social Policy and Development followed the Permanent Forum's policy messages that focused attention on indigenous women on various fronts, such as awareness-raising, an issue with regard to which the secretariat of the Permanent Forum has worked with women's organizations, including in 2004 at a high-level panel of the Commission on the Status of Women on women's role in conflict resolution. In the area of operational activities, the Division for Social Policy and Development, in conjunction with other United Nations bodies, established a working group which focused on indigenous women's issues within the United Nations system.

76. The Permanent Forum commends its secretariat for being part of the committee that prepared the United Nations Development Group Guidelines on Indigenous Peoples' Issues, which incorporates tenets of the United Nations Declaration on the Rights of Indigenous Peoples and has been disseminated to all United Nations country teams.

77. The Permanent Forum notes that in supporting indigenous youth, the Indigenous Youth Caucus has been a consistent voice at the sessions of the Permanent Forum, while the United Nations Programme on Youth has dedicated a chapter of its 2009 report to the theme "Indigenous youth and climate change".

Concluding recommendations

78. The Permanent Forum recommends that each of the six divisions of the Department of Economic and Social Affairs (the Division for Sustainable Development; the secretariat of the United Nations Forum on Forests; the Division for Public Administration and Development Management; the Statistics Division; the Division for the Advancement of Women; and the Division for Social Policy and Development, which hosts the secretariat of the Permanent Forum on Indigenous Issues) be mindful of the fact that indigenous peoples' issues need greater attention, that indigenous peoples' rights as set out in the United Nations Declaration on the Rights of Indigenous Peoples should be implemented, that indigenous peoples be given a decisive voice in formulating policies affecting their communities, lands and resources and that there be facilitation of indigenous peoples' participation in multi-stakeholder dialogues within the intergovernmental processes and in technical cooperation programmes supported by the divisions of the Department of Economic and Social Affairs.

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Committee of Experts on Public Administration

Report on the ninth session (19-23 April 2010)

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Summary

The present report contains the summary and recommendations of the ninth session of the Committee of Experts on Public Administration, held at United Nations Headquarters from 19 to 23 April 2010. The Committee, which was established by the Economic and Social Council in its resolution 2001/45, consists of 24 experts appointed in their personal capacity for a four-year period. The Committee dealt with the following substantive items: (a) challenges to and opportunities for public administration in the context of the financial and economic crisis; (b) review of the United Nations Programme in Public Administration and Finance; and (c) public administration perspective on implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women.

Based on the discussion of the above-mentioned topics, the Committee recommended to the Council a draft resolution for its consideration and adoption.

30 April 2010

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Chapter I

Draft resolution recommended for adoption by the Economic and Social Council

The Committee of Experts on Public Administration recommends to the Economic and Social Council the adoption of the following draft resolution:

Report of the Committee of Experts on Public Administration on its ninth session

The Economic and Social Council,

Recalling its resolutions 2002/40 of 19 December 2002, 2003/60 of 25 July 2003, 2005/3 of 31 March 2005, 2005/55 of 21 October 2005, 2006/47 of 28 July 2006, 2007/38 of 4 October 2007, 2008/32 of 25 July 2008 and 2009/18 of 29 July 2009, all on public administration and development,

Referring to General Assembly resolutions 50/225 of 19 April 1996, 56/213 of 21 December 2001, 57/277 of 20 December 2002, 58/231 of 23 December 2003, 59/55 of 2 December 2004 and 60/34 of 30 November 2005, all on public administration and development, and resolutions 63/202 of 19 December 2008 and 64/187 of 21 December 2009, on information and communication technologies for development,

Taking note of the support being provided by the United Nations Programme on Public Administration and Finance to Member States through institutional and human resources capacity development in the public sector, electronic/mobile government development, development management and citizen engagement,

Recognizing the significant work of the Committee of Experts on Public Administration in providing advice to the Economic and Social Council aimed at the advancement of the internationally agreed development goals, including the Millennium Development Goals,

Underscoring the urgent necessity to address the causes, social consequences and governance challenges of the recent crises, including but not restricted to the global financial and economic crisis, towards strengthening the role of government in building effective public administration institutions, human resources, management processes and tools, and citizen involvement in policymaking,

1. *Takes note with appreciation* of the conclusions and recommendations contained in the report of the Committee of Experts on Public Administration at its ninth session on the challenges to and opportunities for public administration in the context of the financial and economic crisis and on the theme of the 2010 annual ministerial review, "Implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women";

2. *Welcomes* the focus of the Committee on "Public governance for results to improve the quality of human life", in particular for accelerated achievement of the internationally agreed development agenda, including the Millennium Development Goals, as the theme of its multi-year programme, 2011-2013;

3. *Also welcomes* the recommendation of the Committee that, in addressing the social effects of the financial and economic crisis, people-centred strategies be at the core of government policies, and that citizens, as well as civil society, be fully participatory in the formulation, implementation and evaluation of these policies to enhance their efficacy and effectiveness;

4. *Further welcomes* the 1977 Lima Declaration of Guidelines on Auditing Precepts and the Mexico Declaration on Supreme Audit Institutions Independence, which draw on the work of the International Organization of Supreme Audit Institutions in promoting greater transparency, accountability and efficient and effective receipt and use of public resources for the benefit of citizens, and proposes the development of a road map for embedding these principles eventually into international law;

5. *Invites* the General Assembly to:

(a) Recognize in all relevant deliberations that the financial and economic crisis has demonstrated the need for the central role of public administration and public governance in implementing internationally agreed development goals, including the Millennium Development Goals;

(b) Also recognize that gender equality remains an important goal and that information and communications technology provides a potent tool for advancing women's empowerment, as long as its risks are managed;

(c) Consider a framework for regular consultations between the Committee of Experts on Public Administration and a panel of independent economic experts, pursuant to resolution 63/303, paragraph 56 (e), in due recognition of the importance of public administration and its capacities for implementation in international actions and dialogue on crises and their impact on development;

6. *Encourages* Member States to:

(a) Recognize that Governments and public administration should be repositioned to manage economic and financial crises and their social consequences in affected countries, particularly to protect the vulnerable social groups within them, and to prevent such crises in the future;

(b) Also recognize that the effects of the crisis have been global, thus necessitating a new international regulatory architecture and use of the United Nations as the best forum in which to address these crisis-related issues, and that a global discussion is needed on its moral aspects of the crisis, including the enormous burden they impose on the public administrations of small and poor countries, particularly in achieving the internationally agreed development goals, including the Millennium Development Goals;

(c) Formulate timely exit strategies from emergency responses to the crisis, where appropriate, while recognizing that successful adjustment requires long-term strategic planning;

(d) Recognize the need for a specific focus on the role of e-government in development, and make provision for sources of funding for e-government initiatives that are predictable, over a multi-year period;

7. *Requests* the Secretariat to continue to:

(a) Give due recognition to innovative public sector initiatives by Member States through the promotion and strengthening of United Nations Public Service Day and the United Nations Public Service Awards;

(b) Support further development of the United Nations Public Administration Network for partnership-building, knowledge-sharing and the exchange of best practices in the areas of public administration;

(c) Assist in the implementation of the Geneva Plan of Action of the first phase of the World Summit on the Information Society[1] on e-government-related issues;

(d) Assist countries in public institutional and human resources development and development management in order to create policy space for the articulation of national development strategies, their effective implementation and full citizen engagement, with a special focus on developing countries, Africa, countries in transition and the least developed countries;

(e) Explore ways in which this crisis could be an opportunity to promote the green economy and low carbon solutions for development, particularly for countries that cannot do so on their own, while supporting the overall work of the United Nations concerning climate change;

(f) Collect data on gender equality in the context of many fields, particularly women's underrepresentation in public administration and high civil service positions;

8. *Also requests* the Secretariat to increase the depth and scope of its online and offline capacity development training and to continue to consolidate its products and services under its public administration knowledge space, with the aim of better assisting Member States in redefining, reforming, strengthening and innovating their public administration in general, and public service delivery in particular, according to their needs.

[1] See A/C.2/59/3, chap. I.

Chapter II
Organization of the session

A. Duration of the session

1. The Committee of Experts on Public Administration, established by the Economic and Social Council in its resolution 2001/45, consists of 24 experts appointed in their personal capacity by the Council upon the nomination of the Secretary-General. The Committee held its ninth session at United Nations Headquarters from 19 to 23 April 2010.

B. Attendance

2. The session was attended by 18 members of the Committee. Observers from organizations of the United Nations system and from intergovernmental, non-governmental and other organizations also attended.

3. The session was attended by the following Committee members: Luis F. Aguilar Villanueva (Mexico), Rowena Bethel (Bahamas), Vitoria Dias Diogo (Mozambique), Mikhail Dmitriev (Russian Federation), Bin Hao (China), Pan Suk Kim (Republic of Korea), Francisco Longo Martinez (Spain), Hyam Nashash (Jordan), Peter Anyang' Nyong'o (Kenya), Paul Oquist (Nicaragua), Marta Oyhanarte (Argentina), Odette Ramsingh (South Africa), Siripurapu Kesava Rao (India), Valeria Termini (Italy), Gwendoline Williams (Trinidad and Tobago), Susan L. Woodward (United States of America), Philip Yeo (Singapore) and Najat Zarrouk (Morocco).

4. Due to the ban on flights in European air space following the volcano eruption in Iceland, the following members could not attend: Meredith Edwards (Australia), Walter Fust (Switzerland), Mushtaq Khan (Bangladesh), Joseph Dion Ngute (Cameroon), Beatrice Margaret Saner (United Kingdom) and Jan Zickow (Germany).

5. The list of observers who attended the session may be viewed on the United Nations Intranet (see http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan038305.pdf).

C. Agenda

6. The agenda of the Committee for its ninth session was as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Challenges to and opportunities for public administration in the context of the financial and economic crisis.
4. Review of the United Nations Programme in Public Administration and Finance.

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5. Public administration perspective on implementing the internationally agreed development goals and commitments in regard to gender equality and empowerment of women.

6. Proposed programme of work and agenda for the tenth session of the Committee of Experts.

D. Election of officers

7. The following members are serving as Committee officers during the current session:

Chair:

Luis **Aguilar Villanueva** (Mexico)

Vice-Chairs:

Pan Suk **Kim** (Republic of Korea)
Walter **Fust** (Switzerland)
Peter **Anyang' Nyong'o** (Kenya)

Rapporteur:

Susan L. **Woodward** (United States of America)

Chapter III
Summary of proceedings and conclusions

A. Work of the Committee of Experts

8. At the opening session, the ad interim Chair, Mr. Anyang' Nyong'o, welcomed the experts and introduced the main theme of the session: "Challenges to and opportunities for public administration in the context of the financial and economic crisis". The challenge is threefold: the failure of institutions considered driving forces of a capitalist economy; increased doubt about the sanctity of liberal values; and uncertainties about what is to be done. What will be the role of government and political leadership in the innovation necessary to meet these challenges?

9. Two introductory speeches, given respectively by the President of the Economic and Social Council, Hamidon Ali, and the Under-Secretary-General for Economic and Social Affairs, Sha Zukang, framed the discussions of the Committee. Mr. Ali emphasized the increasing significance of "integrity, innovation and information" as the three "i"s in the future of governance, as we learn from past mistakes and attempt to restore people's trust. Mr. Sha underlined the opportunities for public administration when trust levels are at historic lows to make specific recommendations on financial reform, leadership communication strategies and government responses to the dire social implications of the crisis. Both the Chair and the speakers emphasized not only the value of the Committee's diverse mosaic of experience but also its common goal to provide impartial analyses and recommendations on the global financial and economic crisis, which, at its core, is a governance issue.

10. The brief statement on organizational matters by the Director of the Division for Public Administration and Development Management concluded the opening session. She explained the history of the Committee, its mandate and procedures and the formation of its agenda, including specific suggestions from outgoing members on how to invigorate Committee work and strengthen collaboration with the Division.

B. Challenges to and opportunities for public administration in the context of the financial and economic crisis

11. The note by the Secretariat (E/C.16/2009/2), along with inputs from Committee members, set the overall parameters for the Committee's discussions. It described the challenges posed by the recent global financial and economic crisis to public administration in the areas of leadership, policy coordination, transparency, public service delivery, vulnerability and regulation of the financial sector. The note also identified five windows of opportunity for public administration, created by the crisis: (a) building more effective public administration, institutions and processes geared to risk identification, prevention and management; (b) a potential rise in the prestige of public service; (c) enhancing citizen-centric e-government systems and approaches in policy design, monitoring and implementation; (d) redirecting public spending towards long-term development priorities, including internationally agreed development goals and the Millennium Development Goals; and (e) a stronger focus on the needs of the developing world.

Enhanced public governance for speedy and coordinated policy response

12. Mr. Rao analysed the ideological origins of the financial and economic crisis, including the paradigm shift on the role of government during the 1970s and 1980s, the resulting "short-termism" in decision-making, the greater vulnerability of countries owing to the globalization of finance but not of regulation, the capture of government by private interests and the role of technology in the spread of the crisis. Examples of successful cases in managing the crisis, China, India, and Canada, demonstrated the necessary role of national and global regulation and monitoring of banks and the financial system and the need to rebuild trust in government through moral values and integrity in public processes. The creation of more inclusive global forums would give countries with different developmental needs, particularly small countries, greater weight and voice in international decision-making.

13. Mr. Oquist gave a sobering account of the effects of the financial and economic crisis, arguing that no single country could provide solutions to those effects, but that all inhabited the damaged infrastructure of the financial tsunami, and thus stressed the need for a new global architecture based on a holistic approach to public governance, including actors at the local, national, regional and international levels. A road map to the new architecture should be based on the premise that global problems required global solutions, thus global financing, globally determined distribution and ensuing better public and global governance, such as global taxation and goods management, a global stability fund, a global equity fund and a United Nations committee of economic experts as well as greater recognition of current regional practices transforming reserve currency, trade and capital flows that would eventually lead to global negotiations.

14. Acknowledging the failure of the theory of market self-regulation and the inadequacy of the current international architecture, the Committee discussed three main criteria for public administrations worldwide in times of crisis: (a) the need to focus on institutional economic and social innovation rather than overemphasize risks; (b) the importance of proactive, participatory governance that is far more consultative, with democracy at the local level as part of the solution; and (c) understanding the failure of the idea of golden rules for all and the need to respect different national and regional situations.

15. Probing the question of global governance structures, the Committee emphasized the need to review global financing arrangements, particularly between international finance institutions and developing countries and to insist on more information and transparency about the source and evaluation of such funds. While protecting the strengths of the current global architecture, it was necessary to recognize and address its many weaknesses, its inequality and the need to have a global discussion on the principles of justice and a moral society, which the social implications of the current crisis had raised. The burden on pubic administration in smaller and poorer economies was enormous; the United Nations was the best place and forum in which to work on a comprehensive and balanced solution.

Leadership capacity-building in the public sector in the context of the financial and economic crisis

16. The presentation of Mr. Hao highlighted the effects of the financial and economic crisis on the Chinese economy, the Government measures taken in

response, and their effectiveness. The measures included (a) a significant increase in Government spending on livelihoods and infrastructure projects (roads and housing); (b) multiple measures to promote employment and preserve jobs; and (c) expansion of the basic social security system, including old age pensions and medical insurance. Mr. Hao argued that the effectiveness of those mechanisms was a product of leadership, defined as the capacity to develop and the capacity to improve.

17. Ms. Zarrouk laid out the challenges of the crisis for public administration and for leadership (which required making difficult choices in a timely manner about how to change the course of events). Leaders had the duty to provide objective, fair and balanced information on the diagnosis of the crisis, the policies in response and the anticipated impacts, despite the constraints on resources that the crisis imposed. The resulting opportunities included: (a) an enhanced role for public administration to assist leaders in fulfilling these duties; (b) recognition of needed social, economic and environmental public policies; and (c) a call for redefining private-public-people partnerships.

18. The Committee welcomed the focus on leadership as a corrective to the institutionalism of the past two decades, since the crisis had demonstrated the need to set priorities and sequencing, and the crucial role of human resources, its interdisciplinary training, ability to engage all segments of society and capacity for long-term perspectives beyond the political cycle of electoral democracies. Nonetheless, the effectiveness of the Chinese response demonstrated the great differences between countries with "fiscal space" and the many countries without such resources facing severe social outcomes. The centralizing effects of a crisis response in reaction to the failure of unregulated markets, and the scarcity of leadership and skills raised the question of balance. However, how would it be possible to know when one had gone too far in either direction? In finding balance, how did one diplomatically persuade leaders who were responsible for the crisis to acknowledge their role and to assess the State as well as market failures in causing the crisis?

19. Concluding that a stable, well-trained and well-remunerated professional civil service was indispensable to effective government in times of crisis and to restoring the trust of citizens in their State, the Committee warned against seeking simplistic solutions and encouraged, instead, respect for the complexity of governance in supporting long-term strategic planning and mobilizing all citizens and as many sectors of society as possible in decision-making.

Citizen-centred public service delivery

20. Ms. Ramsingh added more details to the crushing effects of the financial and economic crisis on daily lives in the developing world in order to reinforce the view that the purpose of all new regulations must be for the sake of citizens and be aimed at bettering their lives.

21. Ms. Oyhanarte argued that the global crisis offered opportunities: (a) to create a culture of cooperation and solidarity at the international level; (b) to rethink the role of the State; and (c) to extend citizen participation, particularly at the local level. At the local level, the growing role of information and communications technology could provide easy and open access to Government information, and its consequences for citizen engagement, and innovative strategies for public policy,

such as the 2003 United Nations Development Programme-supported citizen's audit on the quality of democratic practices in Argentine municipalities.

22. Mr. Anyang' Nyong'o reviewed State capacity in the historical context of the nature of the State in African countries since independence: hopefulness and development and then structural adjustment, which led to a dramatic decay in the ability to deliver services, as well as political corruption and loss of the idea that people must be at the centre of development. Despite changes in the nature of the State over four decades, the three initial fights remained: against poverty, against ignorance and against disease. One result of the massive decline in the quality of education as a result of structural adjustment policies was that few in African countries had the level of education to take advantage of the electronic (information and communications technology) tools of citizen-centric government. Instead, the solution was devolution of power (not just resources) according to the following principles for reinventing the State: that it be politically democratic, national in its social content and ethos, and economically developmental.

23. The Committee discussed examples representing cause for optimism in citizen-centred and participatory governance, from decentralization in current Mozambican reforms and self-help groups in India to the growing numbers of cases submitted to the United Nations Public Service Awards. It had taken the Argentinean case to demonstrate that often very small changes could have a large effect. Nonetheless, the goal should not solely be increased participation but empowerment. Thus, how did one build citizenship in that sense? The obstacles suggested ways in which citizen engagement in policymaking processes could be enhanced. These included: (a) access to information and communications technology and e-government to enhance citizen participation; (b) confronting the effects on the very nature of the State of growing inequality as a result of globalization; (c) the human and financial resources of local governments, particularly the tax system and revenue-sharing between central and local governments; (d) coordination issues when decision-making units proliferated, including regional integration (within a country); (e) training for public sector employees; and (f) explaining expert concepts in practice to Government officials and citizens.

Transparency and accountability

24. Mr. Kim noted the complexity of transparency and accountability, the reforms taking place in many developing countries and the remaining challenges and constraints, such as authoritarianism and the lack of social capital, of monitoring and evaluation, of participation, of rewards and proper disciplinary actions and of home-grown solutions. The most serious might be the lack of transformational leadership and political will in the implementation process.

25. Ms. Termini discussed the complexity of transparency, which might even require a shift in values and vision. The crisis was an opportunity for public administration to restore the trust of citizens in government by adopting the new paradigm of "open government", where government would become more accountable and transparent. In the old paradigm, citizens were clients and consumers of public services, whereas in the new, they were also partners, capable of co-producing public services and participating in policymaking. Central to these roles was access to information, quality information, enforcement and the fight against corruption, which was a significant obstacle to achieving the Millennium

Development Goals. The resulting "circuit of transparency" made participatory governance possible, while timely and trustworthy information was crucial for decision-making on economic policies. She suggested a priority focus on the capacity of: (a) national statistical offices to produce reliable data; (b) independent supreme audit institutions to promote accountability; (c) ombudsmen to ensure due process; and (d) public service charters to ensure monitoring of performance.

26. Mr. Longo also argued that public trust in the ability of Governments to respond effectively to the crisis depended on "open government", characterized by transparency (freedom of information, performance measurements and information for decision-making), accessibility (easy access by citizens to public processes), responsiveness (Governments being receptive to new ideas, demands and needs) and accountability (managing expectations within and outside Governments) in public affairs. E-government tools were essential to facilitating citizen access to public processes, reducing expenditures, improving coordination of services and decreasing the political costs of budget cuts and other unpopular measures. Openness — not an absolute good, which could conflict with other public values such as good performance, social equity, the right to privacy and democratic representation — was necessary but insufficient for ensuring public confidence in government.

27. Speaking on behalf of the International Organization of Supreme Audit Institutions, Christian Ebener of the Permanent Mission of Austria to the United Nations noted that the principal objective of supreme audit institutions was to promote responsive accountability, specifically by providing legislative bodies and the general public with information on the administrative activities of Governments. Thus, supreme audit institutions had to be guaranteed independence and given due mandate by law to investigate crisis-response measures in order to perform their watchdog functions effectively. To that end, it was proposed for the Committee to recommend that all Member States implement the Lima Declaration of Guidelines on Auditing Precepts and the Mexico Declaration on Supreme Audit Institution independence.

28. The benefits of transparency and accountability were clear, Mr. Kim summarized, but the difficult question was "how". Members added that there were obstacles in the risk-averse culture of secrecy in public administration, the lack of citizen awareness of rights to information and its benefits, and the applicability of such tools as information and communications technology and e-government in contexts where oral traditions and the preference for personal contact dominated. Discussion of the "how" centred on systems of integrity, including administrative tools and processes to track, publicize and punish criminal acts, information campaigns with the public, codes of conduct and training for civil servants and reliable preservation of records. While quick access to user-friendly and relevant information and information management were necessary for transparent and accountable government, they depended for their success not only on formal regulations and institutions but also on informal rules, such as ethical norms and democratic values and political commitment.

Social and financial protection for vulnerable groups

29. The severity of the economic consequences of the financial and economic crisis had become a critical social question that presented an extraordinary challenge

to the public sector and Governments, according to the Chair, Mr. Aguilar Villaneuva.

30. Mr. Dmitriev declared that such social effects were still largely terra incognita because they were still unfolding, extremely complex and had yet to be researched. He thus set out an analytical framework for identifying types of vulnerabilities and the ability of Governments to provide social protection, which was a political imperative of the responses to the crisis. Pointing to public administration capacity as the key determinant of the response of Governments, he warned of the necessity to distinguish between short-term emergency responses and long-term development strategies in capacity-building and development, and that timely exit strategies were as important as rapid scaling up.

31. Variations in the responses of Governments depended on their vulnerability profile, fiscal space, existing social protection system, and public administrative capacity. The tools chosen must match the capacity of Governments and must not overlook the highly diverse and important informal mechanisms of social protection, which were necessary to complement formal legislation and capacity. More institutionalized means got narrowed quickly in a crisis and were influenced by information asymmetries, even in middle-income, transitional and post-transitional countries. Mr. Dmitriev maintained that the social protection systems were not well-equipped to cope adequately with vulnerability (for example, high levels of poverty and growing exclusion) because they tended to be crowded out by pensions, were too low in value, were over- or imprecisely targeted or lacked other necessary tools. Enhanced international governance and collective action were vital because, as the contraction of fiscal space was global, there were spillover effects and resulting global vulnerabilities and information asymmetries.

32. By teleconference, Ms. Edwards addressed the trade-offs and innovative mechanisms in public sector capacity to deliver social protection within the framework of citizen-centric policies. Since targeting was administratively costly, she focused on conditional cash transfers, now positively evaluated in many countries despite criticism that there could be a lack of community participation in their implementation. To be effective, she concluded, social protection measures needed to be integrated with economic and other social policies and always needed to be part of a dynamic learning process.

33. The Committee emphasized the political and institutional dimensions of addressing the social protection of vulnerable groups. These included: (a) enhancing public capacity to act fast when needed; (b) effective exit strategies following crisis-induced emergency responses; (c) recognizing that there was no exit strategy for countries in which there was no distinction in vulnerability between crisis conditions and general poverty and no fiscal space, and recognizing the need for innovative South-South funding schemes such as ALBA (Bolivarian Alternative for the Americas); and (d) viewing crises as opportunities for capacity innovation and growth, such as through the green economy, and for promoting a forum for multilateral global cooperation where poorer countries could have a stronger voice in negotiations with developed countries. Mr. Dmitriev added that the diversity of government programmes and the ingenuity shown in some countries demonstrated that no situation was totally constrained and hopeless.

A case study of Singapore

34. Mr. Yeo traced the stages of Singapore's economic development from labour-intensive to capital-intensive, and now to information-intensive, based on the promotion of new sectors while others declined. The shift was driven by the strategic foresight that an economy based only on cost efficiency was not sustainable in the long term. Singapore launched its research drive in 2000, after the Government had identified that area as a key engine of future economic growth. Twin hubs in research and development, the "Biopolis" and the "Fusionopolis", were established with a span of multiple research disciplines from bio-imaging to microelectronics, and had already contributed to substantial growth in manufacturing output, despite the financial and economic crisis.

35. The key to the new strategy was human capital. While land was being continually reclaimed by the sea, the key constraint was talent. With the view that "talent was international", Singapore's approach to human resources development was to build mid-term and long-term public sector human capital through scholarship programmes offered to young, talented individuals. The presentation of Mr. Yeo also detailed how Singapore's response to the global economic crisis paralleled that approach.

36. The Committee welcomed the presentation of Mr. Yeo and discussed ways its lessons might be applied elsewhere. Questioned about how Singapore was able to attract and retain young talent from abroad, how public administration contributed, and whether there might not be "growth fatigue", Mr. Yeo emphasized both the financial benefits of generous stipends and scholarships and the ambition of young individuals who come from poorer circumstances, while public servants have very high status and are paid extremely well, which also stops corruption. The Committee concluded that while this example was not easy to copy, one lesson that could be generalized was that such success was the result of policy and that in seeking international capital and international talent, Singapore had followed its own policies based on its own situation.

Recommendations for enhanced public governance for speedy and coordinated policy response

37. The Committee emphasizes that global problems need global solutions; no single country can provide solutions to the crisis alone. The current international institutions did not prevent the crisis. The Committee, therefore, urges Member States to consider a new architecture, whereby there is not only globalization of finance but also of regulation and to use the United Nations as the best forum to address such crisis-related issues, to generate a global discussion on their moral aspects and standards of justice and to link these issues with the urgent necessity to achieve the internationally agreed development goals, including the Millennium Development Goals.

Recommendations for leadership capacity-building in the public sector in the context of the financial and economic crisis

38. The Committee urges Member States to differentiate between short-term emergency responses and long-term strategic planning and transformation in their response to the financial and economic crisis and its effects. It recommends

formulating timely exit strategies from emergency responses, where appropriate, and recognizing that successful adjustment requires long-term strategic planning.

39. The Committee recommends that the Secretariat and the Economic and Social Council pay due attention to the factor of leadership and new leadership qualities needed in times of crisis. To this end, it commends the new paradigm of public administration, "open government", with its emphasis on citizens as partners and co-producers, instead of "government leadership" alone.

40. It also recommends that policymakers recognize the tendency of citizens not to differentiate Government from State and that they provide objective, balanced information on diagnosis, policies and anticipated impacts, by linking citizens more closely to decision-making processes, and by ensuring a civil service career track that is stable, permanent and well-trained.

41. Recognizing the temptation to centralize power in conditions of crisis, the Committee urges Member States not to seek simplistic solutions but rather to recognize the complexity of State capacities and to strengthen their regulatory frameworks through integrity, accountability, transparency and avoiding State capture.

Recommendations for citizen-centred public service delivery

42. The Committee urges Member States not to lose sight of the purpose of regulation: citizens and the quality of their lives. This would include supporting human resources development in the public sector that aims at citizen-centric governance, supporting the effective use of information and communications technology and e-government towards enhancing citizen engagement.

43. The Committee recommends to the Secretariat that it continue publicizing good examples of innovative citizen participation initiatives through the United Nations Public Service Awards.

Recommendations for transparency and accountability

44. The Committee recommends that the Economic and Social Council continue to promote and enhance transparent and accountable governance structures, processes and tools, particularly through harnessing the transformative power of information and communications technology.

45. The Committee urges Member States to provide regular reports of their actions in response to the financial and economic crisis so that citizens can become fully participatory in managing its effects and its exit and to restore the trust of citizens in government.

46. It also encourages Member States to set standards of conduct and undertake training to encourage a culture of openness within the civil service, to alter incentives away from risk averseness that fosters secrecy and to undertake information campaigns to make citizens aware of their right to information, legislation facilitating this and the benefits for all that will result.

47. The Committee recommends that the Secretariat continue its work to clearly define and comparatively demonstrate the role of information management and knowledge creation in crisis management and development overall, with an

emphasis on both formal and informal mechanisms of public management and citizen engagement.

48. The Committee recommends that the Secretariat undertake a comprehensive and comparative study on targeted social protection programmes for vulnerable populations during times of crisis, including analysis of institutional preparedness for rapid response, vulnerabilities on a macroeconomic and global scale and innovative forms of financing for countries with no fiscal space or safety nets, such as South-South solidarity.

49. The Committee also urges the Secretariat to look into the different ways in which the crisis could be an opportunity to promote a green economy and low-carbon solutions for development, particularly for countries that cannot do so on their own, while supporting the overall work of the United Nations concerning climate change.

C. Review of the United Nations Programme in Public Administration and Finance

50. The Secretariat presented a note (E/C.16/2010/3) highlighting the major activities undertaken by the Secretariat in 2009.

51. The note set out the scope of activities planned for implementation in the biennium 2010-2011 and proposed the strategic framework for the period 2012-2013, with three major functional areas: (a) institutional and human resources development in the public sector; (b) e-government development; and (c) development management and citizen engagement. The note also invited the Committee to review and provide feedback to the Secretariat on its activities intended to assist Governments in meeting their current governance and public administration challenges, particularly in the context of emerging issues and crises. Finally, it highlighted the activities undertaken by the Secretariat to streamline and reform its operations towards results-based and demand-driven approaches, with particular focus on the effective use of information and communications technology and a view to enhancing knowledge management and acquisition towards achievement of the internationally agreed development goals, including the Millennium Development Goals.

52. The Director of the Division presented the new strategy of the Division, "Way forward", in its reform initiative and main challenges. Making direct links between the new substantive focuses of the Division and the major issues faced by Member States in three areas, the information age, the world affected by crises, and globalization, where information-sharing and management become central, she explained how the internal organizational restructuring was complemented with improved work modalities based on four main pillars: (a) training and knowledge management; (b) advisory service; (c) research/analysis; and (d) advocacy and learning. Finally, the Director introduced the major products of the Division, including the soon-to-be-launched public administration knowledge space, which will be the Division's substantive, technical and educational one-stop-shop for assisting Member States in their developmental needs concerning public governance and administration. The public administration knowledge space will: (a) make sure that relevant knowledge is easily identifiable and accessible; (b) bring information and communications technology-supported public administration to the service of

development; and (c) connect, create and expand knowledge on how to better manage public affairs and better serve citizens.

53. The Committee welcomed and applauded the positive changes towards the restructuring and reform of the Division and made several recommendations towards accelerating the "Way forward". It urged the Division to: (a) pay due attention to differences among developing countries, for example, small countries, and recognize the meagre information on countries in the South; (b) link the three focus areas through policy analysis; (c) push for greater collaboration and connectivity with all stakeholders through the United Nations Public Administration Network; and (d) increase its impact by leveraging with other international and regional institutions that have greater resources.

54. Specifically, the Committee recommended that the Division focus on accurate, authentic and relevant data and the creation of databases with indicators of significance to public administration, given current matters of concern to Member States, such as: (a) local governments and the resources they receive from the central government; (b) the ratio of public sector employees to the overall population and within public sector budget allocations per service area; (c) indicators that reflect the new model of open government; (d) processes and actions of repositioning the public sector in development; and (e) trends of public administration development per country and according to relevant criteria, such as transparency, accountability and citizen-centric service delivery.

55. The Division welcomed these suggestions and reiterated its willingness to work more closely with the Committee to leverage partnerships in a systematic way and towards creating a joint Division for Public Administration and Development Management-Committee of Experts on Public Administration product, in addition to the organization of meetings and events. The Committee recognized with appreciation the fact that other international organizations, such as the Organization for Economic Cooperation and Development (OECD), the World Bank and the World Economic Forum, and the *Economist* were currently using the indicators of the United Nations e-government survey, one of the Division's products, in their own reports. The Committee also welcomed the public administration knowledge space initiative currently being constructed.

D. Public administration perspective on the theme of the annual ministerial review of the Economic and Social Council: implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women

56. The Secretariat presented a note (E/C.16/2010/4) entitled "Information and communications technology and gender equality: new opportunities and challenges for public administration to implement internationally agreed development goals, including the Millennium Development Goals". The note analysed the application of information and communications technology in public administration and governance as a tool to help women gain better access to government information and needed social services and to help them participate more effectively in decision-making processes.

57. The note concluded that the empowerment of women and their active participation in e-government programmes would not occur if information and communications technology-supported contents and approaches were not made gender-sensitive and did not explicitly target the removal of gender inequalities. It thus recommended: (a) the development of national information and communications technology policies that ensure the participation of women, gender experts and women's organizations at all stages of policy planning, consultation and implementation; (b) the design, implementation and maintenance by Governments of an enabling environment for the formulation and systematic assessment of gender-sensitive e-government policies, including the appropriate legal, regulatory and institutional arrangements; (c) the implementation of cross-jurisdictional coordination to improve gender mainstreaming in public administration; (d) the involvement of national machineries for the advancement of women in mainstreaming gender-sensitive information and communications technology into administrative processes; and (e) the linking of public administration programmes with e-government strategies to engage both women and men as stakeholders in policy formulation, design, consultation and implementation.

58. The Chair noted that mainstreaming was often reduced to a simple formula of positions in the public sector; yet it did not address the cultural obstacles of inherited traditions and social prejudices that prevented gender equality in form from becoming equality in content.

59. The Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women reviewed the outcomes since the 1995 Beijing Platform for Action for the empowerment of women, noting that the negative consequences of the financial and economic crisis had fallen disproportionately on women. Among the examples of progress made, she noted: (a) increased access to education for girls; (b) policies to address HIV/AIDS, and health budgets to increase gender equality; (c) legal, policy and institutional frameworks to end violence against women and girls; and (d) quotas for women's participation in decision-making. There remained lags in achieving many of the Millennium Development Goals, especially in terms of poverty, unemployment and illiteracy, and there was insufficient attention paid to gender equality dimensions in national development policies and strategies. She detailed the many key roles that information and communications technology and e-governance could play in achieving Goal 3, but warned of the need for regulations and public administration to protect women and girls against its possible abuses, such as trafficking and disempowerment, including by deepening gender stereotypes.

60. Ms. Bethel identified information and communications technology as the primary enabler for achieving the internationally agreed development goals and the Millennium Development Goals addressing gender equality and women's empowerment, including in commerce, government and education, and thus the importance of setting national e-government agendas accordingly. Effective use by women of e-government required accessibility, affordability, cultural and gender relevant content, and adaptation to the scheme of their daily lives, given their double burden of family and work. Especially because women were the bedrock of social and economic development, and emergency responses to the crisis were crowding out e-government policies, she urged the United Nations to elevate the issue to the policy level.

61. Pontso Suzan Matumelo Sekatle (observer) illustrated the benefits of local government and devolution through the case of Lesotho, including in facilitating women's participation in government. Although local governments were only created in 2005, the commitment by members of the Southern African Development Community to achieve at least 30 per cent in women's representation had been exceeded in Lesotho, which had achieved 58 per cent in local councils. Although the space for reversing the cultural practices of gender inequality did not yet exist at the national level or in women's willingness to take on leadership positions even locally, the achievements of local councils in building roads, in land management for the collective good and in giving women experience in public decision-making demonstrated what could be achieved with substantial women's participation.

62. Discussion in the Committee focused on encouraging examples of progress in recent years, such as in Argentina, Brazil, China, India, Morocco, Mozambique and Trinidad and Tobago. The Committee stressed policies that aimed to reduce gender inequality, the causes and positive consequences of women's greater participation in government and elected office, the resulting need for training programmes tailored to women, the distinction between short-term and longer-term policies that could change perceptions and mindsets, such as education, and the demonstrated role of access to information in exposing inequalities in the implementation of apparently egalitarian policies to improve actual practice. Obstacles were also detailed, including reasons for women's lack of access to information and communications technology and e-government, its consequences for women's employment and its effects on the fertility rate, not just political representation, and insufficient action to end female genital mutilation and other harmful practices to women's health and, thus, empowerment. At the same time, the very discussion of this agenda had led in many countries to a change in discourse and to a recognition that gender equality (such as on issues of reproductive health and schooling) concerned both men and women and boys and girls, with progress already made in terms of decisions on family size and prospects for girl children.

Recommendations on implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women

63. The Committee recommends that gender equality remain an important goal and that information and communications technology provide a potent tool for advancing women's empowerment, as long as its risks are managed.

64. The Committee urges Member States to take all necessary measures, including enacting and enforcing legislation, to prohibit female genital mutilation.

65. The Committee recommends greater attention be paid to women's underrepresentation in public administration, especially high civil service positions, as a neglected aspect of the goal of gender equality.

66. The Committee recommends that the Secretariat add the collection of relevant data to its knowledge space.

67. The Committee wishes to recognize the monetary value of domestic labour and care work performed mainly by women as an important component of achieving gender equality.

68. The Committee, therefore, recommends that the Secretariat develop a methodology to consider inclusion of such value in official national accounts.

69. The Committee wishes to recognize the work of the United Nations Project Office on Governance in the Republic of Korea with the Asia Pacific Women's Network Center at Sookmyung Women's University on country-specific case studies related to gender and public administration.

E. Session on innovative ways to enrich collaboration between the Committee and the Division

70. Each working group began with a presentation on its mission, strategy, programme of work and activities.

1. Working group I
Development management and citizen engagement

71. The primary concern of the discussion in working group I focused on what could be achieved with limited resources and on how performance could be measured to get "value for money". This included a discussion of the comparative advantage of the Division in relation to other institutions working on similar issues, such as OECD, the virtues of the United Nations (for example neutrality and global inclusiveness and the resulting legitimacy) and the ways that such non-financial resources as imagination and creativity could be leveraged. An important issue left for further discussion was priority themes for the next years in terms of development management. The Chair emphasized the value of the new format of the working groups in providing an opportunity for the Committee to meet with Secretariat staff to explore ways to enhance the impact on development of better development management.

72. The primary recommendations of the working group were to liaise with existing programmes elsewhere, such as the Programme for Innovation in Public Administration in the Mediterranean Region (and its publications on innovation in governance and public administration), and to focus on local public administrations which, unlike their national counterparts, recognize that they do not have the answers and knowledge, get little attention and are seeking advice.

2. Working group II
E-mobile government development

73. In its discussion, working group II expressed strong support for the work of the Division focused on:

(a) Stakeholder engagement, including modes of interaction with Governments, harmonization of activities with internal and external partners, the private sector and the non-profit sector;

(b) Evaluation of the quality of outputs;

(c) Sources of funding;

(d) Scaling up activities, such as the preparation of templates of international or regional norms for e-government development per sector;

(e) Means of assuring a niche for the Division in e-government development and ensuring programme continuity over time, for example, through additional

memorandums of understanding with specific countries and/or regional groups on sustainable e-government development.

74. The working group recommended raising awareness about Division activities in the area of e-government by the Committee and the Secretariat and the need for resources, as proposed in paragraph 6 (d) of the draft resolution (see chap. I above).

3. Working group III
Institutional and human resources development in the public sector

75. Discussion in working group III focused on understanding the work of the Division in this area, identifying ways the Committee could enrich its work and identifying practical recommendations for the Division. Recommendations include:

(a) Based on a compilation and analysis of public service codes of conduct from 100 Member States for the public administration knowledge space, develop a generic code as a useful guideline for countries that lack a code;

(b) Utilize the particular interests and expertise of Committee members acting as resource persons and ambassadors for the Division and for partnerships and activities in a particular country or region;

(c) Engage with Committee members during and beyond annual sessions, including development of a protocol to formalize cooperation and mutual interaction on the basis of mutual expectations, particular interests, expertise and the network capability of members;

(d) Build a body of case studies with contributions from Committee members and showcase success stories worldwide to encourage Governments to adopt successful approaches and to counteract current prejudices, such as towards African countries.

F. Proposed programme of work and agenda for the next session of the Committee of Experts and preliminary review of the draft report of the Committee

76. The Committee agreed to adopt a multi-year programme, 2011-2013, on the theme "Public governance for results to improve the quality of human life". Each of the three years will have different subthemes. The subthemes for its tenth session are: a conceptual framework; public governance for results in post-conflict and post-crisis countries; social protection for vulnerable populations; and performance management in governance. Papers on the themes will be prepared by selected Committee experts.

77. The Committee approved the convening of its tenth session from 4 to 8 April 2011 and also approved the following agenda for adoption by the Economic and Social Council:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Public governance for results to improve the quality of human life:
   (a) Conceptual framework;

(b) Post-conflict and post-crisis countries;

(c) Social protection for vulnerable populations;

(d) Performance management in governance (including in regard to the internationally agreed goals and commitments in education, the theme of the 2011 annual ministerial review).

4. Review of the United Nations Programme in Public Administration and Finance.

5. Agenda for the eleventh session of the Committee of Experts.

78. The Committee adopted the draft report of its ninth session.

Annex

List of documents

Document symbol	*Agenda item*	*Title or description*
E/C.16/2010/1	2	Provisional agenda and organization of work
E/C.16/2010/2	3	Challenges to and opportunities for public administration in the context of the financial and economic crisis
E/C.16/2010/3	4	Review of the United Nations Programme in Public Administration and Finance
E/C.16/2010/4	5	Information and communications technology and gender equality: new opportunities and challenges for public administration to implement the internationally agreed development goals, including the Millennium Development Goals

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